Acton Neighbourhood Plan

Habitats Regulations Assessment Screening Report

Babergh & Mid Suffolk District Councils

Final report
Prepared by LUC
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Version	Status	Prepared	Checked	Approved	Date
1	Draft HRA Screening Report	M. Davies	O. Dunham	K. Nicholls	20.04.2023
2	Final HRA Screening Report	O. Dunham	O. Dunham	K. Nicholls	25.04.2023

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Chapter 1

Introduction

1.1 LUC has been commissioned by Babergh and Mid Suffolk District Councils (the Councils) to carry out a Habitats Regulations Assessment (HRA) of the Acton Neighbourhood Plan, which is being prepared by Acton Parish Council. This HRA report relates to the Pre-Submission Draft Neighbourhood Plan 2022 – 2037 (March 2023).

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 paragraphs 1.16 and 1.19). The requirement for authorities to comply with the Habitats Regulations when preparing a Plan is also noted in the Government's online Planning Practice Guidance (PPG) **[See reference** 4**]**.

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

- SACs are designated for particular habitat types (specified in Annex 1 of the EU Habitats Directive **[See reference 5]**) and species (Annex II). The listed habitat types and species (excluding birds) are those considered to be most in need of conservation at a European level. Designation of SACs also has regard to the threats of degradation or destruction to which the sites are exposed and, before EU exit day, to the coherence of the 'Natura 2000' network of European sites. After EU exit day, regard is had to the importance of such sites for the coherence of the UK's 'national site network'.
- SPAs are classified for rare and vulnerable birds (Annex I of the EU Birds Directive **[See reference 6]**), and for regularly occurring migratory species not listed in Annex I.

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

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

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

> "Any proposals affecting the following sites would also require an HRA because these are protected by government policy:
>
> - Proposed SACs
> - Potential SPAs
> - Ramsar sites – wetlands of international importance (both listed and proposed)
> - Areas secured as sites compensating for damage to a European site."

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

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

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

Stages of Habitat Regulations Assessment

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

1.10 LUC has been commissioned by Babergh and Mid Suffolk District Councils to carry out HRA work on their behalf, and the outputs will be reported to and considered by the Councils as the competent authority.

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 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')

Tasks

- 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 affect qualifying features of European sites directly or indirectly, 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

Tasks

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

1.21 Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority (2017) ruled that it was not appropriate to scope out the need for a detailed assessment for an individual plan or project based on the annual average daily traffic (AADT) figures detailed in the Design Manual for Roads and Bridges or the critical loads used by Defra or Environmental Agency without considering the in-combination impacts with other plans and projects.

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

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

1.23 Therefore, if an Appropriate Assessment of the 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

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

- Chapter 2: Acton 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: Conclusion and Next Steps – summarises the HRA conclusions for the Acton Neighbourhood Plan and describes the next steps to be undertaken.

Chapter 2

Acton Neighbourhood Plan

Vision

2.1 The overarching vision for Acton by the end of the Neighbourhood Plan period is:

"By 2037, Acton will be a multi-generational parish of rural character, with geographically distinct settlements which remain well-connected to the ancient rolling farmland in which they sit.

Green spaces, heritage and landscape features of importance are protected, and wildlife flourishes because its conservation is influential in local decision-making.

New development in the parish is:

- Community-led and shaped to meet identified needs
- Well-connected and safe
- Of a scale and form that respects the character of the parish

Residents enjoy accessible community facilities which support their local needs as well as good connections to next level services in neighbouring settlements."

2.2 Supporting the vision, there are ten objectives and 13 policies that fall under four themes, as follows:

Housing policies

- ACT1: New housing development
- ACT2: Design and character
- ACT3: Housing mix

Environment policies

- ACT4: Biodiversity
- ACT5: Landscape character and important public views
- ACT6: Environmental sustainability
- ACT7: Heritage assets

Access and Community policies

- ACT8: Accessibility and connectivity
- ACT9: Traffic management and safety
- ACT10: Community facilities
- ACT11: Local green spaces

Business policies

- ACT12: Bull Lane employment area
- ACT13: Business and employment uses outside of defined employment areas

2.3 None of the policies allocate land for residential use or other built development; however several policies outline circumstances in which specific

development proposals, both within and outside of the settlement boundary would be supported.

Chapter 3

Method

Screening assessment

3.1 HRA Screening of the Acton 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 and the conclusions reached are described in detail below.

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 Neighbourhood Plan area was used in the first instance to identify European sites with the potential to be affected by the proposals within the 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. 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** 22**]**. HRA therefore considers whether any European sites make use of functionally linked habitats, and the impacts that could affect those habitats.

3.7 There are no identified European sites located within 20km of the Acton Neighbourhood Plan area, as shown in Figure A.1 in Appendix A. The closest European sites are Breckland SAC and SPA to the north west, and Stour and Orwell Estuaries Ramsar and SPA to the south east. All of these sites lie only just over the 20km buffer distance from Acton Parish and include transient species amongst their qualifying features; therefore further consideration has been given to the potential for the Neighbourhood Plan to have likely significant effects on the sites.

3.8 The Standard Data Forms for the SPAs and SAC and Natural England's Site Improvement Plan **[See reference** 23**]**, as well as Natural England's conservation objectives **[See reference** 24**]** for the SPAs and SAC have 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** 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 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 allows 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.

3.12 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.

3.13 A screening assessment was prepared (Appendix C), to document the consideration of the potential for likely significant effects resulting from each policy in the Neighbourhood Plan.

Interpretation of 'likely significant effects'

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

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

> An effect should be considered 'likely', "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site" (para 44). An effect should be considered 'significant', "if it undermines the conservation objectives" (para 48). Where a plan or project has an effect on a site "but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned" (para 47).

3.16 A relevant opinion delivered to the Court of Justice of the European Union commented that:

> "The requirement that an effect in question be 'significant' exists in order to lay down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill."

3.17 This opinion (the 'Sweetman' case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered 'trivial' or de minimis; referring to such cases as those "that have no appreciable effect on the site". In practice such effects could be screened out as having no likely significant effect – they would be 'insignificant'.

3.18 This HRA screening assessment therefore considers whether the policies in the Pre-Submission Draft Neighbourhood Plan 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 (which could help mitigate increased pressure from recreation activities at European sites, for example). 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 only at the Appropriate Assessment stage for any impacts and policies where likely significant effects, either alone or in-combination, cannot be ruled out.

Assessment of potential in-combination effects

3.20 Regulation 105 of the Habitats Regulations 2017 requires an Appropriate Assessment where "a land use plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site". Therefore, where likely insignificant effects are identified for the plan alone, it is necessary to consider whether these may become significant effects in combination with other plans or projects.

3.21 Where the plan is likely to have an effect on its own (due to impact pathways being present), but it is not likely to be significant, the in-combination assessment at screening stage needs to determine whether there may also be the same types of effect from other plans or projects that could combine with the plan to produce a significant effect. If so, this likely significant effect arising from the plan in combination with other plans or projects, would then need to be considered through the Appropriate Assessment stage to determine if the impact pathway would have an adverse effect on integrity of the relevant European site. Where the screening assessment concludes 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.

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 Pre-submission Draft of the Acton Neighbourhood Plan on the scoped-in European sites. The detailed screening assessment, which sets out the decision-making process used for this assessment can be found in Appendix C and the findings are summarised below.

HRA screening of policies

No 'likely effect' predicted

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

4.3 Since none of the policies in the Acton Neighbourhood Plan are expected to directly result in development, they will not result in significant effects on European sites. Therefore, no likely significant effects are predicted as a result of the plan either alone or in combination, and it has not been necessary to carry out HRA screening by types of potential impacts.

Chapter 5

Conclusion and Next Steps

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

Next steps

5.2 An Appropriate Assessment is not required for the Acton Neighbourhood Plan as none of the polices will result in development and likely significant effects from the Plan can therefore be ruled out, both alone or in-combination with other plans or projects.

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

April 2023

Appendix A

Map of European Sites within 20km of the Acton Neighbourhood Plan Area

Habitat Risk Assessment Screening
for Babergh Mid Suffolk Neighbourhood Plans

LUC

European Designated Sites within 20km of Acton Neighbourhood Plan Area

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

Breckland SAC and SPA

Stour and Orwell Estuaries Ramsar and SPA

Acton CP

East Cambridgeshire District

South Cambridgeshire District

West Suffolk District

Mid Suffolk District

Babergh District

Braintree District

Colchester District (B)

Ipswich District (B)

Tendring District

Uttlesford District

0 5 10 km

Map scale 1:184,004 @ A3

CB:AHB EB:holmes_g LUC FIG1_10994_r0_EuropeanSites_A3L_Acton 12/04/2023
Source: OS, NE

Appendix B

Attributes of European Sites

B.1 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** 29**]**. The overviews of sites and their locations are drawn from Natural England's Site Improvement Plans **[See reference** 30**]**. Site conservation objectives are drawn from Natural England's website and are only available for SACs and SPAs **[See reference** 31**]**.

Stour and Orwell Estuaries SPA

Overview of site and its location

B.2 B.2 The Stour and Orwell estuaries straddle the eastern part of the Essex/Suffolk border in eastern England. The estuaries include extensive mud-flats, low cliffs, saltmarsh and small areas of vegetated shingle on the lower reaches. The mud-flats hold *Enteromorpha, Zostera and Salicornia* spp. The site also includes an area of low-lying grazing marsh at Shotley Marshes on the south side of the Orwell. In summer, the site supports important numbers of breeding Avocet; *Recurvirostra avosetta*, while in winter they hold major concentrations of waterbirds, especially geese, ducks and waders. The geese also feed, and waders roost, in surrounding areas of agricultural land outside the SPA.

B.3 B.3 The site has close ecological links with the Hamford Water and Mid-Essex Coast SPAs, lying to the south on the same coast.

Qualifying features

B.4 Annex I species:

- Over winter: Hen harrier; *Circus cyaneus*

B.5 The site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of Habitats importance of the following migratory species over winter:

- Black-tailed godwit; *Limosa limosa islandica*
- Dunlin; *Calidris alpina alpina*
- Grey plover; *Pluvialis squatarola*
- Pintail; *Anas acuta*
- Redshank; *Tringa totanus*
- Ringed plover; *Charadrius hiaticula*
- Shelduck; *Tadorna tadorna*
- Turnstone; *Arenaria interpres*

B.6 The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl including:

- Cormorant; *Phalacrocorax carbo*
- Pintail; *Anas acuta*
- Ringed plover; *Charadrius hiaticula*
- Grey plover; *Pluvialis squatarola*
- Dunlin; *Calidris alpina alpine*
- Black-tailed godwit; *Limosa limosa islandica*
- Redshank; *Tringa tetanus*
- Shelduck; *Tadorna tadorna*

- Great crested grebe; *Podiceps cristatus*
- Curlew; *Numenius arquata*
- Dark-bellied brent goose; *Branta bernicla bernicla*
- Wigeon; *Anas Penelope*
- Goldeneye; *Bucephala clangula*
- Oystercatcher; *Haematopus ostralegus*
- Lapwing; *Vanellus vanellus*
- Knot; *Calidris canutus*
- Turnstone; *Arenaria interpres*

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

Key vulnerabilities

- Coastal squeeze – Coastal defences are present along most of the Orwell coastline to mitigate for impacts from climate change, such as rising sea level. Unless changes are made to the management of the coastline, habitats supporting qualifying SPA birds will be lost or degraded through coastal squeeze, sedimentation and reduced exposure.
- Public access/disturbance – Stour and Orwell Estuaries is subject to land- and water-based activities, including boating and water sports; walking; bait- digging; fishing; wildfowling; and military overflight training. These activities are likely to impact habitats supporting breeding and overwintering water birds. A better understanding of which species and habitats are most susceptible; which types of activity are most disturbing; and which locations and times of year are most sensitive is required to ensure the Estuaries are appropriately managed.
- Changes in species distribution – Declines in the number of bird species present at Orwell coastline have occurred. This is likely to be the result of changes in population and distribution on an international scale, due to climate change.
- Invasive species – An increase in Spartina anglica may be affecting the growth of Spartina maritime, a key habitat feature for qualifying bird roosting and feeding areas of saltmarsh and mudflat.
- Planning permission: General – The issue of development in combination with other factors is not fully understood. To ensure management is appropriate to the SPA a better understanding of the sensitivities relating to each habitat, species and location to different types of development is required. Difficult issues highlighted by the SIP include: a) Assessing the cumulative effects of numerous, small and often ‘non-standard’ developments; b) Development outside the SPA boundary can have negative impacts, particularly on the estuaries’ birds; c) Assessing the indirect, ‘knock-on’ effects of proposals; and d) Pressure to relax planning conditions on existing developments.
- 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.

- Inappropriate coastal management – Due to the presence of existing hard sea defences, such as sea walls there is little scope for adaptation to rising sea levels. Any freshwater habitats behind failing seawalls are likely to be inundated by seawater, which would result in the loss of this habitat within the SPA.
- Fisheries: Commercial and estuarine – Commercial fishing activities can be very damaging to inshore marine habitats and the bird species dependent on the communities they support. Any 'amber or green' categorised commercial fishing activities in Habitats Marine Sites are assessed by Kent and Essex Inshore Fisheries Conservation Authority (IFCA). This assessment takes into account any in-combination effects of amber activities and/or appropriate plans or projects.

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

B.10 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.

Black-tailed godwit; *Limosa limosa islandica*

- Habitat preference: Marshy grassland and steppe, and on migration mudflats.

- Diet: Insects, worms and snails, but also some plants, beetles, grasshoppers and other small insects during the breeding season.

Dunlin; *Calidris alpina alpine*

- Habitat preference: Tundra, moor, heath, and on migration estuaries and coastal habitat.
- Diet: Tundra, moor, heath, and on migration estuaries and coastal habitat.

Grey plover; *Pluvialis squatarola*

- Habitat preference: Tundra, and on migration pasture and estuaries.
- Diet: In summer, invertebrates and in winter primarily marine worms, crustaceans and molluscs.

Pintail; *Anas acuta*

- Habitat preference: Lakes, rivers, marsh and tundra.
- Diet: A variety of plants and invertebrates.

Redshank; *Tringa totanus*

- Habitat preference: Rivers, wet grassland, moors and estuaries.
- Diet: Invertebrates, especially earthworms, cranefly larvae (inland) crustaceans, molluscs, marine worms (estuaries).

Ringed plover; *Charadrius hiaticula*

- Habitat preference: Sandy areas with low vegetation, and on migration estuaries.
- Diet: Mostly invertebrates, especially insects, molluscs and crustaceans.

Shelduck; *Tadorna tadorna*

- Habitat preference: Coasts, estuaries and lakes.
- Diet: Mostly invertebrates, especially insects, molluscs and crustaceans.

Turnstone; *Arenaria interpres*

- Habitat preference: On migration beaches and rocky coasts.
- Diet: Insects, crustaceans and molluscs.

Cormorant; *Phalacrocorax carbo*

- Habitat preference: Larger lakes and coastal.
- Diet: Fish.

Great crested grebe; *Podiceps cristatus*

- Habitat preference: Reed-bordered lakes, gravel pits, reservoirs and rivers. In the winter, they are also found along the coast.
- Diet: Mostly fish, some aquatic invertebrates especially in summer.

Curlew; *Numenius arquata*

- Habitat preference: Marsh, grassland and on migration mudflats.
- Diet: Worms, shellfish and shrimps.

Dark-bellied brent goose; *Branta bernicla bernicla*

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

Wigeon; *Anas Penelope*

- Habitat preference: Marsh, lakes, open moor, on migration estuaries.
- Diet: Mostly leaves, shoots, rhizomes and some seeds.

Goldeneye; *Bucephala clangula*

- Habitat preference: Lakes, rivers, and on migration seacoasts.
- Diet: Insects, molluscs and crustaceans.

Oystercatcher; *Haematopus ostralegus*

- Habitat preference: Sandy, muddy and rocky beaches.
- Diet: Mussels and cockles on the coast, mainly worms inland.

Lapwing; *Vanellus vanellus*

- Habitat preference: Pasture, arable land, wet meadow, on migration estuaries.
- Diet: Worms and insects.

Red knot; *Calidris canutus islandica*

- Habitat preference: Tundra, and on migration coastal habitat.
- Diet: In summer, insects and plant material, and in winter inter-tidal invertebrates, esp. molluscs.

Knot; *Calidris canutus*

- Habitat preference: Coastal habitat.

- Diet: Insects and plant material during the summer; and inter-tidal invertebrates, especially molluscs during the winter.

Stour and Orwell Estuaries Ramsar Site

B.11 Refer to Stour and Orwell Estuaries SPA above.

Qualifying features

Ramsar criterion 2 – contains seven nationally scarce plants

- Stiff saltmarsh-grass; *Puccinellia rupestris*
- Small cord-grass; *Spartina maritime*
- Perennial glasswort; *Sarcocornia perennis*
- Lax-flowered sea lavender; *Limonium humile*
- Eelgrasses; *Zostera angustifolia, Z. marina and Z. noltei*

Ramsar criterion 5 – assemblages of international importance

- Species with peak counts in winter: 63,017 waterfowl

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

B.12 Species with peak counts in spring/autumn:

- Common redshank; *Tringa totanus*

B.13 Species with peak counts in winter:

- Dark-bellied brent goose; *Branta bernicla bernicla*
- Northern pintail; *Anas acuta*
- Grey plover; *Pluvialis squatarola*
- Red knot; *Calidris canutus islandica*
- Dunlin; *Calidris alpina alpina*
- Black-tailed godwit; *Limosa limosa islandica*
- Common redshank; *Tringa totanus*

Conservation objectives

B.14 None available.

Key vulnerabilities

B.15 Similar to Stour and Orwell Estuaries SPA (see above).

B.16 A key threat identified by RIS was erosion:

- Erosion – Natural coastal processes exacerbated by fixed sea defences, port development and maintenance dredging. Erosion is being tackled through sediment replacement for additional erosion that can be attributed to port development and maintenance dredging. A realignment site has been created on-site to make up for the loss of habitat due to capital dredging. General background erosion has not been tackled although a Flood Management Strategy for the site is being produced.

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

- Plants – Plant communities are reliant on the coastal habitats within the Ramsar site. These habitats are dependent on a range of coastal factors and processes, including salinity, sedimentation, sea level, turbidity and elevation.
- Birds – Refer to Stour and Orwell Estuaries SPA above.

Breckland SAC

Overview of site and its location

B.17 The SAC spans 7548.06ha across the Norfolk/Suffolk border and is situated within the Breck National Character Area (NCA Profile 085). The site is characterised by a gently undulating plateau underlain by bedrock of Cretaceous Chalk that is largely covered by varying depths of windblown sand. The highly variable soils generally consist of a very sandy free-draining mix of chalk, sand, silt, clay and flints. It has mosaics of heather-dominated heathland, acidic grassland and calcareous grassland that are unlike those of any other site. In many places there is a linear or patterned distribution of heath and grassland, arising from fossilised soil patterns that formed under peri-glacial conditions.

Qualifying features

B.18 Annex I habitats:

- 2330 Inland dunes with open *Corynephorus* and *Agrostis* grasslands;
- 3150 Natural eutrophic lakes with *Magnopotamion* or *Hydrocharition* – type vegetation;

- 4030 European dry heaths; and
- 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates.

B.19 Annex I habitats (not primary reason for site selection):

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

B.20 Annex II species (not primary reason for site selection):

- 1166 Great crested newt; *Triturus cristatus*

Conservation objectives

B.21 With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change.

B.22 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of qualifying natural habitats and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats;
- The structure and function of the habitats of qualifying species;
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
- The populations of qualifying species; and
- The distribution of qualifying species within the site. This document should be read in conjunction with the accompanying Supplementary Advice

document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Key vulnerabilities

B.23 Key threats facing the Breckland SAC include:

- Air pollution and airborne contaminants;
- Human induced changes in hydraulic conditions;
- Changes in biotic conditions;
- Forest and plantation management and use; and
- Grazing.

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

B.24 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.25 More specific information has been provided for each qualifying habitat as follows:

- Inland dunes with open *Corynephorus* and *Agrostis* grasslands.

- Rabbits and mechanical activity play a key role in maintaining areas of bare ground/sparse vegetation, which are characteristic of this habitat.
- Annual sand deposition for the continued growth of grey hair-grass *Corynephorus canescens*. This species is a key feature of this habitat type.

- European dry heaths and seminatural dry grasslands and scrubland facies on calcareous substrates *Festuco-Brometalia*.
  - Rabbits are vital to producing the open, tightly grazed swards that characteristic flora and fauna of this habitat depend on.
  - In addition to this, rabbits, moles and mechanical activity play a key role in maintain areas of bare ground which are characteristic of these habitats.
  - Insects, including bees for pollination of flowering plants.
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*.
  - Light grazing and browsing from herbivores, such as deer to promote diverse woodland structure and continuous seedling establishment.
- Natural eutrophic lakes with *Magnopotamion* or *Hydrocharition* – type vegetation.
  - Hydrological isolation and connectivity.
  - Natural hydrological processes to provide the conditions necessary to sustain this habitat.

B.26 In general, the qualifying species of the SAC rely on:

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

Great crested newts; *Triturus cristatus*

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

Breckland SPA

Overview of site and its location

B.27 The Breckland SPA is located in parts of both Norfolk and Suffolk in the heart of East Anglia. It forms part of The Brecks National Character Area (NCA 85), which has an ages-old identity, a very particular land use history and a richly distinctive wildlife, which sets it apart from all surrounding landscapes. The area consists of a gently undulating plateau underlain by a bedrock of Cretaceous Chalk, which is covered largely by thin deposits of sand and flint of glacial origin. The semi-continental climate, with low rainfall and free-draining soils, has led to the development of dry heath and grassland communities. The complex of soils has led to the creation of intimate mosaics of heather dominated heathland with acid and calcareous grassland rarely found elsewhere. The remnants of the dry heath and grassland that remain within the SPA today support populations of Annex 1 heathland breeding birds, where grazing by sheep and rabbits is sufficiently intensive to create short turf and open ground.

Qualifying features

B.28 Annex I of the Wild Birds Directive:

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

- A246 Woodlark; *Lullula arborea* (Breeding)

Conservation objectives

B.29 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.30 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features;
- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The population of each of the qualifying features; and
- The distribution of the qualifying features within the site.

B.31 This document should be read in conjunction with the accompanying Supplementary Advice document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Key vulnerabilities

B.32 Refer to Breckland SAC (above).

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

B.33 In general, the three qualifying species all rely on:

- The site's ecosystem as a whole (see list of habitats below);
- Maintenance of populations of species that they feed on (see list of diets below);
- Off-site habitat foraging habitat for these species. In particular, this includes open grassland, heathland and arable land; and
- Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat. The individual qualifying species of the SPA also rely on the following habitats and species:

Stone curlew; *Burhinus oedicnemus*

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

Woodlark; *Lullula arborea*

- Habitat preferences: This species uses open grassland and heather heaths to breed; and grassland and arable land to forage. This species is also sometimes observed nesting along the margins of arable areas.

  - More recently this species has taken to nesting on fallow land and the system of rotational clear-felling within the conifer plantations has provided ideal breeding conditions for woodlark.
  - This species primarily uses the SPA for breeding; however they are also known to use the SPA during the winter.
- Diet: Insects, including beetles, caterpillars and spiders during the breeding season and seeds during the winter.

Nightjar; *Caprimulgus europaeus*

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

Appendix C

Detailed Screening Assessment of Policies

Housing policies

Policy ACT1: New housing development

Potential likely significant effects

C.1 None – This policy states the focus for new development will be within the settlement boundaries, where the principle of development is accepted. This policy will not directly result in development in the Neighbourhood Plan area.

Conclusion

C.2 No likely significant effect predicted.

Policy ACT2: Design and character

Potential likely significant effects

C.3 None – This policy focuses on the design and character of development within the settlement boundary and ensures development is within the design guidelines of the parish with regard to connectivity, landscape, height, and

materials. This policy will not directly result in development in the Neighbourhood Plan area.

Conclusion

C.4 No likely significant effect predicted.

Policy ACT3: Housing mix

Potential likely significant effects

C.5 None – This policy seeks to provide a mix of housing that meets local needs and contributes to retaining Acton's existing sense of community. This policy will not directly result in development in the Neighbourhood Plan area.

Conclusion

C.6 No likely significant effect predicted.

Environment

Policy ACT4: Biodiversity

Potential likely significant effects

C.7 None – This policy states development proposals are expected to protect and enhance existing ecological networks, wildlife corridors and priority species.

Hence, development should avoid the loss of / harm to trees, hedgerows, and other natural features such as ponds. No built development is proposed through this policy.

Conclusion

C.8 No likely significant effect predicted.

Policy ACT5: Landscape character and important public views

Potential likely significant effects

C.9 None – This policy states that any proposed development should not have a detrimental impact on the key landscape and built development features of the important views within the neighbourhood plan area. No built development is proposed through this policy.

Conclusion

C.10 No likely significant effect predicted.

Policy ACT6: Environmental sustainability

Potential likely significant effects

C.11 None – This policy states development must meet environmental sustainability requirements set out within the plan, appropriate in scale. It also requires all development to demonstrate mitigation to flooding and drainage impacts and light pollution. No built development is proposed through this policy.

Conclusion

C.12 No likely significant effect predicted.

Policy ACT7: Heritage assets

Potential likely significant effects

C.13 None – This policy states new development should ensure the design complements the shape and form of the existing settlement and the relationship between heritage assets and the spaces around them. No built development is proposed through this policy.

Conclusion

C.14 No likely significant effect predicted.

Access and Community

Policy ACT8: Accessibility and connectivity

Potential likely significant effects

C.15 None – This policy states that new development should contribute to the health and wellbeing of residents by encouraging active transport modes through infrastructure provision. Existing infrastructure such as Public Rights of Way should be incorporated into new development and enhanced where possible. No built development is proposed through this policy.

Conclusion

C.16 No likely significant effect predicted.

Policy ACT9: Traffic management and safety

Potential likely significant effects

C.17 None – This policy states proposals for new development should maximise opportunities for sustainable transport modes. Proposals should provide sufficient information, proportionate to the scale of the proposed development. Appropriate mitigation and measures should be provided to address impacts upon highway and pedestrian safety. No built development is proposed through this policy.

Conclusion

C.18 No likely significant effect predicted.

Policy ACT10: Community facilities

Potential likely significant effects

C.19 None – This policy states that change of use proposals must provide improved or equivalent facilities within the parish where development would result in the loss of existing community facilities. No built development is proposed through this policy.

Conclusion

C.20 No likely significant effect predicted.

Policy ACT11: Local green spaces

Potential likely significant effects

C.21 None – This policy identifies designated local green spaces. No built development is proposed in this policy.

Conclusion

C.22 No likely significant effect predicted.

Business

Policy ACT12: Bull Lane employment area

Potential likely significant effects

C.23 None – This policy states the requirements of future expansion development of the Bull Lane employment area within the neighbourhood plan area. No development is proposed by this policy.

Conclusion

C.24 No likely significant effect predicted.

Policy ACT13: Business and employment uses outside of defined employment areas

Potential likely significant effects

C.25 None – This policy states the requirements for appropriate development of new business and employment uses outside of defined employment areas (but within the neighbourhood plan area). No built development is proposed in this policy.

Conclusion

C.26 No likely significant effect predicted.

References

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

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 (2021) National Planning Policy Framework (paragraph 181)

11 David Tyldesley & Associates (undated) The HRA Handbook (Section A3) (A subscription based online guidance document)

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 Regulation 5 of the Habitats Regulations 2017.

14 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

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

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

22 Chapman, C. & Tyldesley, D. (2016) Functional linkage: How areas that are functionally linked to European sites have been considered when they may be affected by plans and projects – a review of authoritative decisions. Natural England Commissioned Reports, Number 207.

23 Obtained from the Natural England website.

References

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) (A subscription based online guidance document)

28 David Tyldesley & Associates (undated) The HRA Handbook (Section A3) (A subscription based online guidance document)

29 JNCC (2019) UK Protected Area Datasets for Download

30 Natural England (2014-2015) Site Improvement Plans: East of England

31 Natural England (undated) Conservation Objectives for European Sites

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