



Lavenham Neighbourhood Plan

2023

Habitats Regulations Assessment Screening Report

Babergh & Mid Suffolk District Councils

Final report

Prepared by LUC

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Contents

Chapter 1 **6**

Introduction

The requirement to undertake Habitats Regulations Assessment of development plans	6
Stages of Habitat Regulations Assessment	9
Requirements of the Habitats Regulations	9
Typical stages	11
Case law changes	13
Structure of this report	16

Chapter 2 **18**

Lavenham Neighbourhood Plan 2023

Vision	18
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Chapter 3 **20**

Method

Screening assessment	20
Assessment of 'likely significant effects' of the plan	22
Interpretation of 'likely significant effects'	23
Mitigation provided by the plan	25
Assessment of potential in-combination effects	25

Chapter 4 **27**

Screening Assessment

Contents

HRA screening of policies	27
HRA screening of impacts	28
Summary of screening assessment	35

Chapter 5 **36**

Conclusion and Next Steps

Next steps	36
------------	----

Appendix A **37**

Map of European sites within 20km of the Lavenham Neighbourhood Plan area

Appendix B **39**

Attributes of European Sites

Appendix C **43**

Detailed Screening Assessment of Policies

References **69**

Table of Tables

No table of figures entries found.

Table of Figures

Figure A.1: Map of European sites within 20km of the Lavenham Neighbourhood Plan area

Chapter 1

Introduction

1.1 Lavenham Parish Council is in the process of preparing a new Neighbourhood Plan (the Lavenham Neighbourhood Plan 2023). This will replace the existing Lavenham Neighbourhood Plan (LNP1) which was made in 2016. Unless stated otherwise, all references to the 'Neighbourhood Plan' in this screening report mean the new Plan.

1.2 LUC has been commissioned by Babergh & Mid Suffolk District Councils (the Councils) to carry out a Habitats Regulations Assessment (HRA) of the Lavenham Neighbourhood Plan, which is being prepared by Lavenham Parish Council. This HRA report assesses the impacts of the working draft version of the Regulation 14 Lavenham Neighbourhood Plan 2023.

The requirement to undertake Habitats Regulations Assessment of development plans

1.3 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) [\[See reference 4\]](#).

1.4 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.

1.5 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.

1.6 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.”

1.7 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.

1.8 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.

1.9 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

1.10 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.

1.11 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.

1.12 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

1.13 In assessing the effects of a Plan in accordance with Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), there are potentially two tests to be applied by the

competent authority: a ‘Significance Test’, followed if necessary by an Appropriate Assessment which would inform the ‘Integrity Test’. The relevant sequence of questions is as follows:

- Step 1: Under Reg. 105(1)(b), consider whether the plan is directly connected with or necessary to the management of the sites. If not, proceed to Step 2.
- Step 2: Under Reg. 105(1)(a) consider whether the plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects (the ‘Significance Test’). [These two steps are undertaken as part of Stage 1: Screening, shown below in the ‘Typical stages’ section.] If yes, proceed to Step 3.
- Step 3: Under Reg. 105(1), make an Appropriate Assessment of the implications for the European site in view of its current conservation objectives (the ‘Integrity Test’). In so doing, it is mandatory under Reg. 105(2) to consult Natural England, and optional under Reg. 105(3) to take the opinion of the general public. [This step is undertaken during Stage 2: Appropriate Assessment, described in the ‘Typical stages’ section below.]
- Step 4: In accordance with Reg. 105(4), but subject to Reg. 107, give effect to the land use plan only after having ascertained that the plan would not adversely affect the integrity of a European site. [This step follows Stage 2 where a finding of ‘no adverse effect’ is concluded. If it cannot be it proceeds to Step 5 as part of Stage 3 of the HRA process.]
- Step 5: Under Reg. 107, if Step 4 is unable to rule out adverse effects on the integrity of a European site and no alternative solutions exist then the competent authority may nevertheless agree to the plan or project if it must be carried out for ‘imperative reasons of overriding public interest’ (IROPI). [This step is undertaken during Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation, described in the ‘Typical stages’ section below.]

Typical stages

1.14 The section below summarises the stages and associated tasks and outcomes typically involved in carrying out a full HRA of a development plan, based on various guidance documents [See reference 14] [See reference 15] [See reference 16]. This HRA presents the methodology of findings of Stage 1: Screening.

Stage 1: Screening (the ‘Significance Test’)

Tasks

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

Outcome

- Where effects are unlikely, prepare a ‘finding of no significant effect report’.
- Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.

Stage 2: Appropriate Assessment (the ‘Integrity Test’)

Task

- Information gathering (development plan and European Sites **[See reference 19]**).
- Impact prediction.
- Evaluation of development plan impacts in view of conservation objectives of European sites.
- Where impacts are considered to directly or indirectly affect qualifying features of European sites, identify how these effects will be avoided or reduced (‘mitigation’).

Outcome

- Appropriate assessment report describing the plan, European site baseline conditions, the adverse effects of the plan on the European site, how these effects will be avoided or reduced, including the mechanisms and timescale for these mitigation measures.
- If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.

Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation

Task

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

Outcome

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

1.15 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

1.16 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).

1.17 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.”

1.18 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.

1.19 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.”

1.20 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.

1.21 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 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”.”

1.24 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

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

- Chapter 2: Lavenham Neighbourhood Plan 2023 – 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 Lavenham Neighbourhood Plan 2023 and describes the next steps to be undertaken.

Chapter 2

Lavenham Neighbourhood Plan 2023

Vision

2.1 The draft Neighbourhood Plan includes a Vision for Lavenham, which is based around four themes:

Climate Change. Awareness of the impact of climate change on everyday life has been accepted by national, regional and local government, in turn creating a focus for Neighbourhood Development Plans. LNP2 will recognise and anticipate the stresses of climate change and aims to be a beacon of good practice for sustainability and resilience. This is a particular challenge in the context of venerable and vulnerable structures where the desire to achieve net zero carbon emissions may conflict with their survival. To achieve our vision, following the lead of Suffolk County Council and BMS Joint Council, Lavenham Parish Council has declared a Climate Emergency (see Glossary).

Flourishing Village Community. We want to sustain a vibrant, resilient community. Together with its historic buildings, the future of the village's shops, services and infrastructure is an integral part of the Plan. The hiatus caused by the Covid pandemic revealed the importance of a thriving local community and its support systems: shops, health services, local support groups, footpaths, transport. It stimulated a rethink of personal values and ways of working and showed the importance of technology to support 21st Century life. Learning from this, the Plan aims to ensure that the needs of residents, workers and visitors will continue to be met, and quality of life for all age groups will be enhanced.

Heritage and Landscape. Lavenham is renowned for its medieval charm, but many of its buildings also reveal its subsequent 19th century industrial history. More recently, since the mid 20th Century, the village has accommodated significant housing expansion. The Plan's associated Lavenham Design Guide shows how future development is expected to contribute to Lavenham's distinctiveness, respecting the existing built form and delivering high quality design. The accompanying Lavenham Landscape Character and Sensitivity Assessment reflects the importance the Plan places on Lavenham's special landscape and heritage characteristics which will be protected for future generations to treasure and enjoy.

Movement of people and vehicles. Lavenham's growth since 2016 has exacerbated the tensions created between an inherited medieval street pattern and 21st century pressures. The village's historic core is inflexible when considering the needs of pedestrians and vehicles (private, commercial, agricultural) and the demands of parking for residents and visitors. The Plan seeks to mitigate this by encouraging thoughtful consideration of all movement of people within the village, whether wheeled or on foot, whether for leisure, domestic or commercial needs.

2.2 The Neighbourhood Plan then includes a total of 42 planning policies, which are set out within the same four themes. These policies cover a wide range of topic areas including housing, green spaces, heritage, community facilities and transport. None of the policies allocate land for residential use or other built development, although policy LAV 13: A Spatial Strategy for Lavenham sets out the circumstances in which development will be supported, both within and outside of the settlement boundary.

Chapter 3

Method

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 consideration of mitigation and avoidance measures.

3.2 The purpose of the screening stage is to:

- Identify all aspects of the plan that would have no effect on a European site. These can be eliminated from further consideration in respect of this and other plans.
- Identify all aspects of the plan that would not be likely to have a significant effect on a European site (i.e. would have some effect because of links/connectivity but the effect is not significant), either alone or in combination with other aspects of the same plan or other plans or projects. These do not require 'Appropriate Assessment'.
- Identify those aspects of the plan where it is not possible to rule out the risk of significant effects on a European site, either alone or in combination with other plans or projects. This provides a clear scope for the parts of the plan that will require Appropriate Assessment.

Identifying European sites that may be affected and their conservation objectives

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

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. Additional European sites were included when considering the effects on recreation and water quantity and quality. 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.

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

3.5 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.

3.6 The only European site identified for inclusion in the HRA is Breckland SPA which is located just within 20km of the Neighbourhood Plan area, as shown in Figure A.1 in Appendix A. Detailed information about Breckland SPA is provided in Appendix B, described with reference to Standard Data Forms for the SPA and Natural England's Site Improvement Plan [See reference 23]. Natural England's conservation objectives [See reference 24] for the SPA 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.

Assessment of 'likely significant effects' of the plan

3.7 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 (including any 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.

3.8 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.

3.9 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.

3.10 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.

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

3.12 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’

3.13 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.

3.14 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).

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

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

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

3.17 The HRA screening assessment therefore considers whether the working draft Neighbourhood Plan policies could have likely significant effects either alone or in combination.

Mitigation provided by the plan

3.18 Some of the potential effects of 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 are considered only at the Appropriate Assessment stage for impacts and policies where likely significant effects, either alone or in-combination, cannot be ruled out.

Assessment of potential in-combination effects

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

3.20 Where the plan is likely to have an effect on its own (due to impact pathways being present), but it is not likely to be significant, the in-combination assessment at Screening stage needs to determine whether there may also be the same types of effect from other plans or projects that could combine with the plan to produce a significant effect. If so, this likely significant effect arising from the plan in combination with other plans or projects, would then need to be considered through the Appropriate Assessment stage to determine if the impact pathway would have an adverse effect on integrity of the relevant European site. Where the screening assessment has concluded that there is no impact pathway between development proposed in the plan and the conditions

necessary to maintain qualifying features of a European site, then there will be no in-combination effects to assess at the Screening or Appropriate Assessment stage. This approach accords with recent guidance on HRA [See reference 27].

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

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

3.23 The online HRA Handbook [See reference 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 the Chapter 3, a screening assessment was carried out in order to identify the likely significant effects of the working draft Lavenham Neighbourhood Plan 2023 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 Lavenham Neighbourhood Plan does not allocate any sites for residential development or employment sites. Instead, policies set out criteria that any residential and/or employment development that comes forward must meet. Should schemes which are supported by the Lavenham Neighbourhood Plan move forward, individual project-level HRAs should be carried out determine any likely significant effects.

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

HRA screening of impacts

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

Physical damage and loss (on-site)

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

Conclusion

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

Physical damage and loss (off-site)

4.7 Habitat loss from development in areas outside of the European site boundaries may result in likely significant effects where that habitat contributes towards maintaining the interest feature for which the European site is

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

4.8 Breckland SPA is designated for supporting qualifying bird species and as such this European site was considered susceptible to impacts from proposed development in the plan area. Natural England generally advises that 2km from European site boundaries is an appropriate distance for the consideration of offsite functionally linked land although for certain species, including most notably golden plover and lapwing, a much greater distance of up to 15km may be appropriate. These buffers have been considered in relation to Breckland SPA and due to the distance of the designated site from the neighbourhood plan area at approximately 18km, no likely significant effect is predicted in relation to this site.

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

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, as a result of proposed development in the plan.

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 potential effects on European sites where birds are the qualifying features. Artificial lighting at night has the

potential to affect species where it occurs in close proximity to key habitat areas, such as key roosting sites of SPA birds.

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

4.13 Breckland SPA is located over 500m from the neighbourhood plan area and therefore is not considered susceptible to impacts from development in the plan area and is screened out of the assessment.

Conclusion

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

Non-toxic contamination

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

4.16 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 effects, such as riparian and wetland habitats, or

sites designated for habitats and plant species. This is the distance that, in our experience, provides a robust assessment of effects in plan-level HRA and meets with the agreement of Natural England.

4.17 Breckland SPA is located over 500m from the neighbourhood plan area and therefore is not considered susceptible to impacts from development in the plan area and is screened out of the assessment.

Conclusion

4.18 Breckland SPA is located over 500m from the neighbourhood plan area and therefore is not considered susceptible to impacts from development in the plan area and is screened out of the assessment.

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 as a result of air pollution. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affecting the pH and nitrogen levels, which can then affect plant health, productivity and species composition.

4.20 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 in order 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 judgement [See reference 30], the traffic growth considered by the HRA should be based on the effect of development provided for by the plan in combination with other drivers of growth such as development proposed in neighbouring districts and demographic change.

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

4.25 The A1141 runs through the neighbourhood plan area from north to south in the east. It then meets the A134 to the north of Lavenham, which continues on to Bury St Edmunds. While there are road links which connect the A134 at Bury St Edmunds with the A14 (which is within 200m of Breckland SPA) to the west of the town, there is no direct road between Lavenham and the SPA and much of the traffic joining the A1141 will disperse in other directions, particularly at Bury St Edmunds, rather than continuing onto the A14 past the SPA. It is

also noted that the neighbourhood plan does not allocate any built development which may directly result in increased traffic generation. Therefore, Breckland SPA is not considered to be susceptible to impacts from air pollution created by the Lavenham Neighbourhood Plan and is screened out of the assessment.

Conclusion

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

Recreation

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

4.28 Each European site will typically have a 'Zone of Influence' (ZOI) within which increases in population would be expected to result in likely significant effects. ZOIs are usually established following targeted visitor surveys and the findings are therefore typically specific to each European site (and often to specific areas within a European site). The findings are likely to be influenced by a number of complex and interacting factors and therefore it is not always appropriate to apply a generic or non-specific ZOI to a European Site.

4.29 Existing visitor survey work available for Breckland SPA has identified a Zone of Influence of 7.5km [\[See reference 31\]](#).

4.30 As Breckland SPA does not have a ZOI that extends into the Neighbourhood Plan area it can therefore be scoped out of further assessment.

4.31 No policies will directly result in development and therefore likely significant effects on Breckland SPA as a result of recreation can be ruled out at this stage.

Conclusion

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

Reduced water quantity and quality

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

Conclusion

4.34 Breckland SPA has been identified as having supporting habitats and/or qualifying species which are susceptible to impacts from changes in water quantity and quality. However, due to the distance of the SPA from the Lavenham Neighbourhood Plan area and because no policies will directly result in development, likely significant effects as a result of water quantity and quality can be ruled out at this stage.

Summary of screening assessment

4.35 For the reasons set out above, a conclusion of no likely significant effect (no LSE) has been reached for all impact types in relation to Breckland SPA and therefore it was not necessary to proceed to the Appropriate Assessment stage.

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.

Next steps

5.2 An Appropriate Assessment is not required for the Lavenham Neighbourhood Plan 2023 as none of the policies will result in development and likely significant effects from the plan can therefore be ruled out.

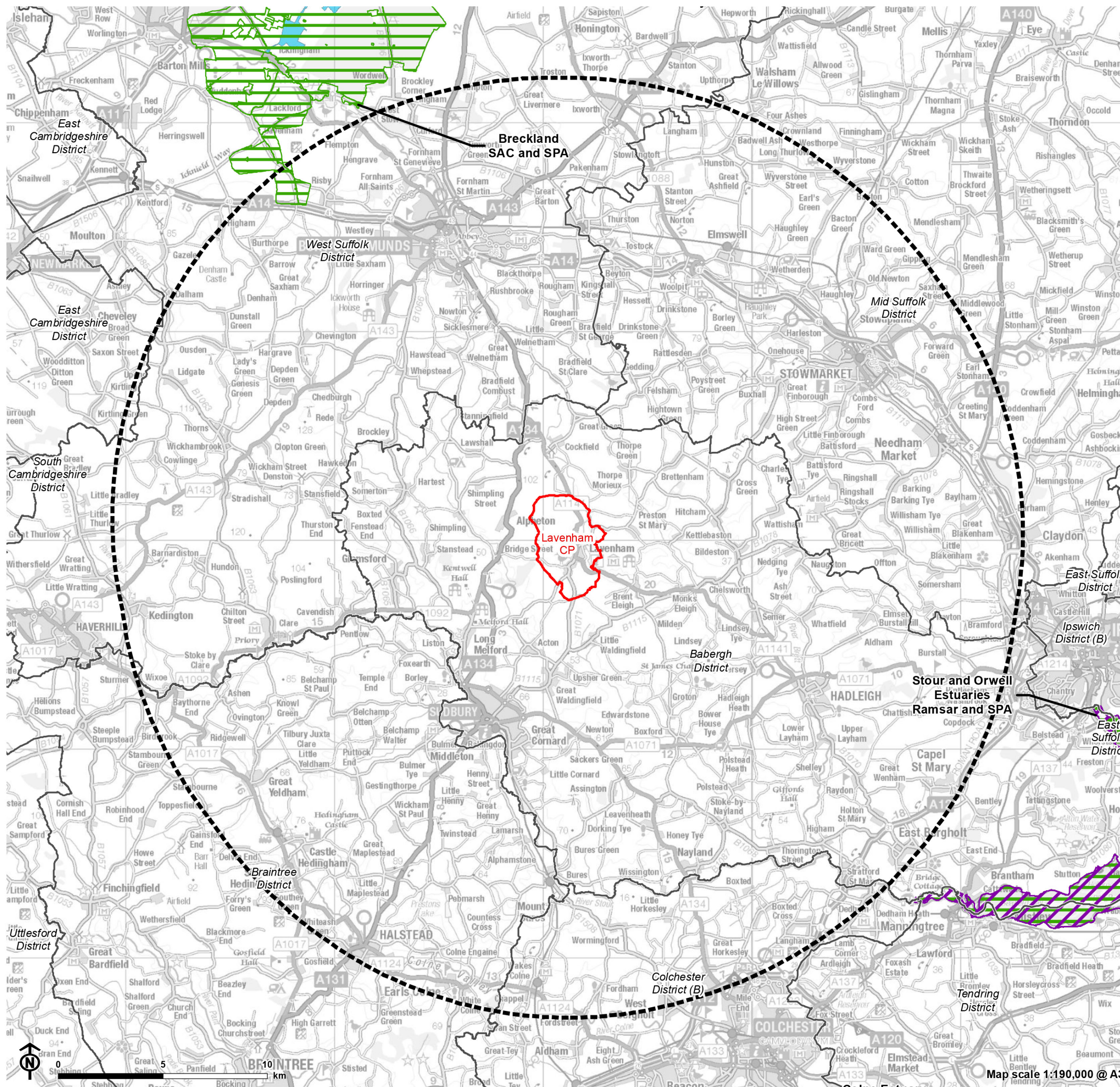
5.3 HRA is an iterative process and as such, this assessment should be updated if any relevant, newly available evidence or comments from key consultees are received prior to the plan being finalised. It is recommended that this report is subject to consultation with Natural England and the Environment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

Appendix A Map of European sites within 20km of the Lavenham Neighbourhood Plan area

Appendix A

Map of European sites within 20km of the Lavenham Neighbourhood Plan area

European Designated Sites within 20km of Lavenham Neighbourhood Plan area



- Lavenham Neighbourhood Plan
- 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 site scoped into the HRA – Breckland SPA. Site area and designated features are drawn from the SPA Standard Data Form [See reference 32]. The overview of the site and its location is drawn from Natural England's Site Improvement Plan [See reference 33]. Site conservation objectives are drawn from Natural England's website and are only available for SACs and SPAs [See reference 34].

Breckland SPA

Overview of site and its location

B.2 The Breckland SPA is located in parts of both Norfolk and Suffolk in the heart of East Anglia. It forms part of The Brecks National Character Area (NCA 85), which has an ages-old identity, a very particular land use history and a richly distinctive wildlife, which sets it apart from all surrounding landscapes. The area consists of a gently undulating plateau underlain by a bedrock of Cretaceous Chalk, which is covered largely by thin deposits of sand and flint of glacial origin. The semi-continental climate, with low rainfall and free-draining soils, has led to the development of dry heath and grassland communities. 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.3 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.4 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.5 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.6 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.7 Refer to Breckland SAC (above).

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

B.8 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

Responding to the Climate Change Emergency

Policy LAV 1 – Climate Change Mitigation and Adaptation

Potential likely significant effects

C.1 None – This policy states that new development proposals must embed the principles of climate change and should be accompanied by a Sustainability Statement. This policy will not directly result in development in the neighbourhood plan area.

Conclusion

C.2 No likely significant effect predicted.

Policy LAV 2 – Achieving Zero Carbon Homes Standards

Potential likely significant effects

C.3 None – This policy supports development proposals which deliver low, zero or carbon negative homes and encourages applicants to achieve the operational targets for new homes set out in the Net Zero Homes toolkit. However, no specific locations for housing development are proposed.

Conclusion

C.4 No likely significant effect predicted.

Policy LAV 3 – Improving the Environmental Performance of our Historic and Traditional Buildings

Potential likely significant effects

C.5 None – This supports proposals which enhance the environmental performance of heritage assets and expects proposals to demonstrate that they have adopted a whole building approach. Proposals to erect renewable energy technology within the Conservation Area will be supported provided the proposal does not have adverse impacts.

Conclusion

C.6 No likely significant effect predicted.

Policy LAV 4 – Improving the environmental performance of non-traditional buildings

Potential likely significant effects

C.7 None – The policy supports in principle development proposals involving alterations to existing non-traditional buildings for the purpose of enhancing the environmental performance of those buildings.

Conclusion

C.8 No likely significant effect predicted.

Policy LAV 5 – Lavenham renewable energy and low carbon infrastructure

Potential likely significant effects

C.9 None – The policy supports in principle proposals for development involving the creation of standalone renewable energy infrastructure or other infrastructure that will facilitate low carbon living in the Lavenham community. However, no specific proposals for this type of development are included and

any schemes will be subject to environmental assessment as required as part of the planning application process.

Conclusion

C.10 No likely significant effect predicted.

Policy LAV 6 – Managing Surface Water Flood Risk in Lavenham

Potential likely significant effects

C.11 None- This policy requires proposals in all locations, including small scale proposals, involving new build to demonstrate that all surface water run-off will be accommodated within the site. It also requires the incorporation of SuDs and a site-specific flood risk assessment where proposals are in areas at risk from surface water flooding. No specific proposals for built development are included.

Conclusion

C.12 No likely significant effect predicted.

Policy LAV 7- Essential infrastructure for managing and mitigating extreme weather events

Potential likely significant effects

C.13 None- This policy does not support proposals if they would weaken the climate change resilience of the village as a whole due to harm to the following assets: A) Existing tributaries to Lavenham Brook, B) All green infrastructure that has a role to play in managing rainwater and environmental cooling, C) Trees and vegetation that assist with providing shading in the public realm. No proposals for built development are included.

Conclusion

C.14 No likely significant effect predicted.

Policy LAV 8 - Biodiversity network enhancement and expansion zones in Lavenham

Potential likely significant effects

C.15 None - This policy requires proposals coming forward within the network enhancement zone 1 and network expansion zone or any updated version of this to demonstrate how opportunities have been taken to deliver additional green infrastructure that enhances existing Sites of Special Scientific Interest

and the wildlife that depends on them. No specific proposals for built development are included.

Conclusion

C.16 No likely significant effect predicted.

Policy LAV 9 - Lavenham sites of biodiversity value

Potential likely significant effects

C.17 None - This policy requires proposals close to or otherwise which could have impacts on a site of biodiversity value in the parish to take full account of the biodiversity value and follow the mitigation hierarchy as detailed in Policy LAV 10. Also, any proposals resulting in the loss or deterioration of Ancient Woodland at Lavenham Woods will not be supported. No built developments are proposed by the policy.

Conclusion

C.18 No likely significant effect predicted.

Policy LAV 10- Mitigation hierarchy and delivering biodiversity net gain in Lavenham

Potential likely significant effects

C.19 None - This policy sets out the hierarchy of mitigation, requiring the design of proposals to firstly avoid impacts, then mitigate, and then compensate. Proposals will be required to demonstrate measurable net gain for biodiversity and this should be achieved on site wherever possible. All proposals should take opportunities to integrate biodiversity measures within a building through the provision of integrated bird and bat or insect boxes to be targeted at protected species. No built development is proposed through this policy.

Conclusion

C.20 No likely significant effect predicted.

Policy LAV 11- Sustainable life and work patterns in Lavenham

Potential likely significant effects

C.21 None- This policy expects proposals to facilitate low carbon living by Parish residents and employees, for example by including electric vehicle charging facilities and broadband infrastructure to support home working. The policy requires certain proposals to make offsite contributions to renewable energy infrastructure; however, no built development is proposed in the policy itself.

Conclusion

C.22 No likely significant effect predicted.

Policy LAV 12- Superfast Broadband

Potential likely significant effects

C.23 None - This policy requires all proposals which require planning permission and involve either new build or major refurbishment to include the necessary infrastructure to allow the delivery for superfast broadband. No built development is proposed through this policy.

Conclusion

C.24 No likely significant effect predicted.

A flourishing community, sustainable and resilient

Policy LAV 13- A spatial strategy for Lavenham

Potential likely significant effects

C.25 None - The policy supports in principle proposals within the Lavenham Settlement Boundary and will be supported providing accordance with other

policies in the development plan. Development outside of the Settlement Boundary will be restricted to specific circumstances. However, no sites are allocated and no specific built development is proposed through this policy.

Conclusion

C.26 No likely significant effect predicted.

Policy LAV 14 - Housing Mix- meeting local needs

Potential likely significant effects

C.27 None - This policy requires residential schemes to contribute to meeting the existing and future needs of the village, and requires a mix of housing sizes and types, taking into account the village population. No specific built development is proposed in this policy.

Conclusion

C.28 No likely significant effect predicted.

Policy LAV 15 - Affordable homes for local people

Potential likely significant effects

C.29 None - This policy requires affordable housing to be integral to the scheme as a whole. No specific built development is proposed in this policy.

Conclusion

C.30 No likely significant effect predicted.

Policy LAV 16 - Allocation of affordable housing

Potential likely significant effects

C.31 None - This policy sets out the criteria which will apply to the allocation of affordable housing, meaning that people with a strong local connection to the parish will be prioritised. No specific built development is proposed in this policy.

Conclusion

C.32 No likely significant effect predicted.

Policy LAV 17- Affordable Housing on Rural Exception sites

Potential likely significant effects

C.33 None - This policy supports proposals for small-scale affordable housing schemes on the edge of the village where housing would not normally be permitted, provided that certain criteria are met. However, no specific built development is proposed in this policy.

Conclusion

C.34 No likely significant effect predicted.

Policy LAV 18 - Specialist and supported housing

Potential likely significant effects

C.35 None - This policy supports proposals for specialist housing that meets the need of people in the local area, provided the proposals meet certain criteria. Proposals resulting in the concentration of one group of people in a gated community which comprises and provides limited opportunities for interaction with village life will not be supported. No specific built development is proposed in the policy.

Conclusion

C.36 No likely significant effect predicted.

Policy LAV 19- Lavenham local green spaces

Potential likely significant effects

C.37 None - This policy identifies designated local green spaces. No built development is proposed in this policy.

Conclusion

C.38 No likely significant effect predicted.

Policy LAV 20 - Existing amenity green spaces and development

Potential likely significant effects

C.39 None – The policy seeks to avoid the loss or erosion of amenity green space in the parish. No built development is proposed in this policy.

Conclusion

C.40 No likely significant effect predicted.

Policy LAV 21- New open space provision

Potential likely significant effects

C.41 None - This policy requires new developments to make new open space provision or deliver improvements to existing open space . No specific built development is proposed in this policy.

Conclusion

C.42 No likely significant effect predicted.

Policy LAV 22 - The Market Place

Potential likely significant effects

C.43 None - This policy supports proposals which seek to enhance the amenity value of the Market Place by increasing its use for community and leisure purposes. No specific built development is proposed in this policy.

Conclusion

C.44 No likely significant effect predicted.

Policy LAV 23 - Footpath and bridleway network

Potential likely significant effects

C.45 None - This policy seeks to protect and encourage access to and use of the footpath and bridleway network. It expects development proposals on the settlement edge to incorporate good pedestrian and cycle permeability out into the countryside. No built development is proposed in this policy.

Conclusion

C.46 No likely significant effect predicted.

Policy LAV 24 - Allotments

Potential likely significant effects

C.47 None - This policy encourages proposals which support the provision of public allotments. No built development is proposed in this policy.

Conclusion

C.48 No likely significant effect predicted.

Policy LAV 25 - Community Facilities

Potential likely significant effects

C.49 None - This policy resists proposals which would result in the loss or erosion of existing community facilities or in significant harm to community facilities. The policy also supports proposals which enhance the viability of any community facility. No built development is proposed in this policy.

Conclusion

C.50 No likely significant effect predicted.

Policy LAV 26 - Health facilities and services

Potential likely significant effects

C.51 None - This policy supports proposals that would result in the loss of a health care facility only where the facility is either replaced or relocated to a suitable location which is capable of being safely accessed by all users. No built development is proposed in this policy.

Conclusion

C.52 No likely significant effect predicted.

Policy LAV 27- Existing school site

Potential likely significant effects

C.53 None - This policy supports proposals which contribute to the continuing success of Lavenham Community Primary School and are compatible with other policies in the plan. No built development is proposed in this policy.

Conclusion

C.54 No likely significant effect predicted.

Policy LAV 28 - Protecting and supporting public houses in the parish

Potential likely significant effects

C.55 None - This policy seeks to avoid the loss of public houses and only supports proposals which demonstrate the existing use of Lavenham's public housing and rink establishments is no longer commercially viable and where genuine attempts have been made over at least a 12 month period to market the enterprise. No built development is proposed in this policy.

Conclusion

C.56 No likely significant effect predicted.

Policy LAV 29 - Protecting and supporting Lavenham's Retail Core

Potential likely significant effects

C.57 None - This policy seeks to protect and enhance the vitality and viability of Lavenham's Retail Core and sets out criteria which will apply to proposals for change of use. No built development is proposed in this policy.

Conclusion

C.58 No likely significant effect predicted.

Policy LAV 30 - Visitor facilities

Potential likely significant effects

C.59 None - This policy supports proposals which maintain and enhance the visitor experience in the parish, subject to complying with other policies in the plan. No built development is proposed in the policy.

Conclusion

C.60 No likely significant effect predicted.

Policy LAV 31- Support for small business development and home-based workers

Potential likely significant effects

C.61 None - This policy supports proposals which encourage small/micro businesses, subject to certain criteria. No specific built development is proposed in this policy.

Conclusion

C.62 No likely significant effect predicted.

Protecting our heritage and landscape

Policy LAV 32 - Conserving Lavenham's heritage assets including the setting which contributes to their significance

Potential likely significant effects

C.63 None - This policy sets out criteria seeking to conserve local heritage. Development proposals that have the potential to impact on a heritage asset must be accompanied by a Heritage Statement. No built development is proposed in this policy.

Conclusion

C.64 No likely significant effect predicted.

Policy LAV 33 - Lavenham's non-designated heritage assets

Potential likely significant effects

C.65 None - This policy states that proposals that affect a non-designated heritage asset will be considered applying a balanced judgement regarding to the scale of harm and loss to the significance of the heritage assets. No built development is proposed in this policy.

Conclusion

C.66 No likely significant effect predicted.

Policy LAV 34 - Protecting and enhancing landscape character in Lavenham

Potential likely significant effects

C.67 None - This policy seeks to protect and enhance landscape character and sets out criteria that will apply to development proposals to achieve this. Development proposals must be sympathetic to the local character and be

informed by an assessment of landscape and visual impacts where appropriate. No built development is proposed in this policy.

Conclusion

C.68 No likely significant effect predicted.

Policy LAV 35 - Defined Views

Potential likely significant effects

C.69 None - This policy supports development proposals which respect views in and out of the village that contribute to the appreciation of the visual qualities of the historic core of the village and its valued surrounding landscape. No built development is proposed in this policy.

Conclusion

C.70 No likely significant effect predicted.

Policy LAV 36 - Protecting and strengthening settlement and landscape character at Lavenham's village getaways

Potential likely significant effects

C.71 None - This policy sets out criteria that will apply to proposals for development which impacts village getaway points. No built development is proposed in this policy.

Conclusion

C.72 No likely significant effect predicted.

Policy LAV 37- Design and character

Potential likely significant effects

C.73 None - This policy sets out criteria to ensure that development proposals preserve and enhance Lavenham's distinctive character. No built development is proposed in this policy.

Conclusion

C.74 No likely significant effect predicted.

Policy LAV 38 - Replacement dwellings and infill sites within the built-up area

Potential likely significant effects

C.75 None - The policy sets out criteria that will apply for proposals to replace existing dwellings or sub-divide existing residential plots and gardens. No built development is proposed in this policy.

Conclusion

C.76 No likely significant effect predicted.

Policy LAV 39 - Lavenham residential development - Building for a healthy life

Potential likely significant effects

C.77 None - This policy requires development proposals to contribute positively to the quality of Lavenham as a place to live. Major development proposals should be accompanied by a Building for a Healthy Life assessment. No built development is proposed in this policy.

Conclusion

C.78 No likely significant effect predicted.

Movement of people and vehicles

Policy LAV 40 - Movement and parking in the village centre

Potential likely significant effects

C.79 None - This policy requires development proposals to include assessments of their impacts on traffic and parking. It requires proposals to mitigate their impacts or demonstrate that there will be no adverse impacts. No built development is proposed in this policy.

Conclusion

C.80 No likely significant effect predicted.

Policy LAV 41- Planning for active travel

Potential likely significant effects

C.81 None - This policy requires development proposals to enable and facilitate active travel through safe and attractive routes, encouraging slow vehicle speeds, social spaces, storage for scooters and cycles. No built development is proposed in this policy.

Conclusion

C.82 No likely significant effect predicted.

Policy LAV 42 - Development and parking for motorised vehicles

Potential likely significant effects

C.83 None - This policy requires proposals for development to include adequate off-street provision to meet increased parking needs. Proposals should reference the Lavenham Design Guide 2023, allowing trees and planting to balance visual impact of parked cars. No built development is proposed in this policy.

Conclusion

C.84 No likely effect predicted.

References

- 1 The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 (2007) SI No. 2007/1843. TSO (The Stationery Office), London.
- 2 The Conservation of Habitats and Species Regulations 2017 (2017) SI No. 2017/1012, as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI 2019/579).
- 3 The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated. (Source: UK Government Planning Practice Guidance)
- 4 [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 \(2012\) National Planning Policy Framework](#) (paragraph 176)
- 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](#)
- 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)
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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 LUC (2019) HRA of Forest Heath SIR
- 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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