Tattingstone Neighbourhood Plan 2024-2037

Habitats Regulations Assessment Screening Report

Babergh & Mid Suffolk District Councils

Final report

Prepared by LUC

March 2024

Version	Status	Prepared	Checked	Approved	Date
1	Draft	O Price	O Dunham	K Nicholls	15.02.2024
2	Final	O Price	O Dunham	K Nicholls	07.03.2024

Land Use Consultants Limited
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Chapter 1
Introduction

1.1 LUC has been commissioned by Babergh and Mid Suffolk District Councils (the Councils) to carry out Habitats Regulations Assessment (HRA) Screening of the Tattingstone Neighbourhood Plan 2024-2037. The Neighbourhood Plan has been prepared by Tattingstone Parish Council, and in accordance with the requirements of the Government's Neighbourhood Planning Regulations. This HRA Screening report relates to the Pre-Submission Draft version of the Tattingstone Neighbourhood Plan (January 2024).

The requirement to undertake Habitats Regulations Assessment of development plans

1.2 The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in 2007 **[See reference 1]**; the currently applicable version is the Habitats Regulations 2017 **[See reference 2]**, as amended. Neighbourhood Plans, once 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 their behalf and this (the work documented in this report) is then reported to and considered by the Councils as the 'competent authority'. The Councils will consider this work and would usually only progress a Plan if it considers that the Plan will not adversely affect the integrity **[See reference 3]** of any 'European site', as defined below (the exception to this would be where 'imperative reasons of overriding public interest' can be demonstrated; see paragraph 1.14). The requirement for authorities to comply with the Habitats Regulations when preparing a Plan is also noted in the Government's online Planning Practice Guidance (PPG) **[See reference 4]**.

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

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

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

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

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

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

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

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

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

Stages of Habitat Regulation Assessment

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

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

1.11 The HRA also requires close working with Natural England as the statutory nature conservation body **[See reference** 13**]** in order to obtain the necessary information, agree the process, outcomes and mitigation proposals. The Environment Agency, while not a statutory consultee for the HRA, is also in a strong position to provide advice and information throughout the process as it is required to undertake HRA for its existing licences and future licensing of activities.

Requirements of the Habitats Regulations

1.12 In assessing the effects of a Plan in accordance with Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), there are potentially two tests to be applied by the competent authority: a 'Significance Test', followed, if necessary, by an Appropriate Assessment which would inform the 'Integrity Test'. The relevant sequence of questions is as follows:

- Step 1: Under Reg. 105(1)(b), consider whether the plan is directly connected with or necessary to the management of the sites. If not, proceed to Step 2.

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

Typical stages

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

Stage 1: Screening (the 'Significance Test')

Tasks

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

Outcome

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

Stage 2: Appropriate Assessment (the 'Integrity Test')

Task

- Information gathering (development plan and data on European sites **[See reference** 19**]**).
- Impact prediction.
- Evaluation of development plan impacts in view of conservation objectives of European sites.

- Where impacts are considered to directly or indirectly affect qualifying features of European sites, identify how these effects will be avoided or reduced ('mitigation').

Outcome

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

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

Task

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

Outcome

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

1.14 It is normally anticipated that an emphasis on Stages 1 and 2 of this process will, through a series of iterations, help ensure that potential adverse

effects are identified and eliminated through the inclusion of mitigation measures designed to avoid or reduce effects. The need to consider alternatives could imply more onerous changes to a plan document. It is generally understood that so called 'imperative reasons of overriding public interest' (IROPI) are likely to be justified only very occasionally and would involve engagement with the Government.

Case law changes

1.15 This HRA has been prepared in accordance with relevant case law findings, including most notably the 'People over Wind' and 'Holohan' rulings from the Court of Justice for the European Union (CJEU).

1.16 The People over Wind, Peter Sweetman v Coillte Teoranta (April 2018) judgment ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment and should not be taken into account at the Screening stage. The precise wording of the ruling is as follows:

> "Article 6(3)… must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the Screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site."

1.17 In light of the above, the HRA Screening stage does not rely upon avoidance or mitigation measures to draw conclusions as to whether the Neighbourhood Plan could result in likely significant effects on European sites, with any such measures are to be considered at the Appropriate Assessment stage as relevant.

1.18 This HRA also fully considers the Holohan v An Bord Pleanala (November 2018) judgment which stated that:

> "Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that an 'appropriate assessment' must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site."

1.19 In undertaking this HRA, LUC has fully considered the potential effects on species and habitats, including those not listed as qualifying features, to result in secondary effects upon the qualifying features of European sites, including the potential for complex interactions and dependencies. In addition, the potential for offsite impacts, such as through impacts to functionally linked land, and/or species and habitats located beyond the boundaries of European site, but which may be important in supporting the ecological processes of the qualifying features, has also been fully considered in this HRA.

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

> "There is no authority on the significance of the non-statutory status of the FLL. However, the fact that the FLL was not within a protected site does not mean that the effect which a deterioration in its quality or function could have on a protected site is to be ignored. The indirect effect was still

protected. Although the question of its legal status was mooted, I am satisfied… that while no particular legal status attaches to FLL, the fact that land is functionally linked to protected land means that the indirectly adverse effects on a protected site, produced by effects on FLL, are scrutinised in the same legal framework just as are the direct effects of acts carried out on the protected site itself. That is the only sensible and purposive approach where a species or effect is not confined by a line on a map or boundary fence. This is particularly important where the boundaries of designated sites are drawn tightly as may be the UK practice."

1.21 In addition to this, the HRA takes into consideration the 'Wealden' judgment from the Court of Justice for the European Union.

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

1.23 In light of this judgment, the HRA 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 neighbouring districts and demographic change.

1.24 The HRA also takes into account the Grace and Sweetman (July 2018) judgment from the CJEU which stated that:

"There is a distinction to be drawn between protective measures forming part of a project and intended avoid or reduce any direct adverse effects that may be caused by the project in order to ensure that the project does

not adversely affect the integrity of the area, which are covered by Article 6(3), and measures which, in accordance with Article 6(4), are aimed at compensating for the negative effects of the project on a protected area and cannot be taken into account in the assessment of the implications of the project"

"As a general rule, any positive effects of the future creation of a new habitat, which is aimed at compensating for the loss of area and quality of that habitat type in a protected area, are highly difficult to forecast with any degree of certainty or will be visible only in the future"

"A mitigation strategy may only be taken into account at AA (a.6(3)) where the competent authority is "sufficiently certain that a measure will make an effective contribution to avoiding harm, guaranteeing beyond all reasonable doubt that the project will not adversely affect the integrity of the area""

"Otherwise it falls to be considered to be a compensatory measure to be considered under a.6(4) only where there are "imperative reasons of overriding public interest""

1.25 Therefore, if an Appropriate Assessment of the Neighbourhood Plan is required, it will only consider the existence of measures to avoid or reduce its direct adverse effects (mitigation) if the expected benefits of those measures are beyond reasonable doubt at the time of the assessment.

Structure of this report

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

- Chapter 2: Tattingstone Neighbourhood Plan summarises the content of the plan, which is the subject of this report.
- Chapter 3: Method sets out the approach used, and the specific tasks undertaken during the Screening stage of the HRA.
- Chapter 4: Screening Assessment describes the findings of the Screening stage of the HRA.
- Chapter 5: Conclusions and Next Steps summarises the HRA conclusions for the Tattingstone Neighbourhood Plan and describes the next steps to be undertaken.

Chapter 2

Tattingstone Neighbourhood Plan

Vision and Objectives

2.1 The overarching vision for Tattingstone for the period up to 2037 is:

> "Tattingstone Parish will remain an attractive and desirable place to live, maintaining its historic and environmental assets. It will be a thriving and sustainable community, with the three parts of the Parish retaining their own identities and characteristics but supporting each other through the provision of appropriate services and facilities."

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

- Housing:
  - To ensure the amount, size and tenure of new housing in the parish meets local needs.
  - Enable opportunities for the provision of affordable housing that meets the needs of those with a connection to Tattingstone Parish.
- Natural Environment:
  - Protect and enhance the landscape and rural setting of the three distinct parts of the Parish.
  - Maximise opportunities to improve natural habitats and wildlife.
- Built Environment:

  - Recognise and protect the importance of historic assets and their settings.
  - Ensure new development is of a scale and design which reflects local character and positively responds to the three areas of the Parish.
- Services and Facilities:
  - Encourage the provision of new services and facilities.
- Highways and Travel:
  - Support and encourage safe and sustainable transport, including walking, cycling and public transport.

Policies

2.3 The policies within the Tattingstone Neighbourhood Plan are as follows:

- Policy TATT 1 – Spatial Strategy
- Policy TATT 2 – Housing Development
- Policy TATT 3 – Affordable Housing on Rural Exception Sites
- Policy TATT 4 – Protection of the Landscape Setting of Tattingstone
- Policy TATT 5 – Protection of Important Views
- Policy TATT 6 – Biodiversity and Habitats
- Policy TATT 7 – Local Green Spaces
- Policy TATT 8 – Design Considerations
- Policy TATT 9 – Non-Designated Heritage Assets
- Policy TATT 10 – Flooding and Sustainable Drainage
- Policy TATT 11 – Dark Skies
- Policy TATT 12 – Public Rights of Way
- Policy TATT 13 – Parking Standards

2.4 The Neighbourhood Plan does not allocate any sites for new housing or other built development. Policy TATT 1 – Spatial Strategy states that the Neighbourhood Area will accommodate development commensurate with the policies of the adopted Babergh and Mid Suffolk Joint Local Plan – Part 1.

Chapter 3

Methodology

Screening Assessment

3.1 HRA Screening of the Tattingstone 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 area covered by the plan, and other sites that may be affected beyond this area.

3.4 A distance of 20km from the boundary of the plan area was used in the first instance to identify European sites with the potential to be affected by the proposals within the Neighbourhood Plan. Consideration was then given to whether any more distant European sites may be connected to the plan area via effects pathways, for example through hydrological links or recreational visits by residents. The 20km distance has been agreed with Natural England for HRAs in this region **[See reference** 20**]**. In line with HRA requirements, the application of a 20km buffer is considered a highly precautionary distance with relation to potential impacts to the surrounding area.

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

3.6 While the boundary of a European site will usually be drawn to include key supporting habitat for a qualifying species, this cannot always be the case where the population for which a site is designated or classified is particularly mobile. Individuals of the population will not necessarily remain in the site all the time. Sometimes, the mobility of qualifying species is considerable and may extend so far from the key habitat that forms the SAC or SPA that it would be entirely impractical to attempt to designate or classify all of the land or sea that may conceivably be used by the species **[See reference** 21**]**. HRA therefore

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

3.7 European sites identified for inclusion in the HRA on the basis of being within 20km of Tattingstone Parish are listed below in Table 3.1 and their locations are illustrated in Figure A.1 in Appendix A. Detailed information about each European site is provided in Appendix B, described with reference to Standard Data Forms for the SPAs and SACs, and Natural England's Site Improvement Plans **[See reference** 22**]**. Natural England's conservation objectives **[See reference** 23**]** for the SPAs and SACs have also been reviewed. These state that site integrity must be maintained or restored by maintaining or restoring the habitats of qualifying features, the supporting processes on which they rely, and populations of qualifying species.

Table 3.1: European Sites within 20km of Tattingstone Neighbourhood Plan Area

European Sites	Closest Distance/Location from Neighbourhood Plan Area
Stour and Orwell Estuaries SPA and Ramsar site	2km south
Deben Estuary SPA and Ramsar site	15km north-east
Hamford Water SAC	13km south-east
Hamford Water SPA and Ramsar site	13km south-east
Sandlings SPA	18.5km north-east
Outer Thames Estuary SPA	19km south-east and east
Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar site	16.9km south-west
Essex Estuaries SAC	16.9km south-west

Assessment of 'likely significant effects' of the plan

3.8 As required under Regulation 105 of the Conservation of Habitats and Species Regulations 2017 **[See reference** 24**]** (as amended), an assessment has been undertaken of the 'likely significant effects' of the plan. The assessment has been prepared in order to identify which policies or site allocations would be likely to have a significant effect on European sites. The Screening assessment has been conducted without taking mitigation into account, in accordance with the 'People over Wind' judgment.

3.9 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.

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

3.11 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.

3.12 A Screening assessment was undertaken (Appendix C), to document consideration of the potential for likely significant effects resulting from each policy in the Neighbourhood Plan. A risk-based approach involving the application of the precautionary principle was adopted in the assessment, such that a conclusion of 'no significant effect' would only be reached where it was considered unlikely, based on current knowledge and the information available, that a development plan policy or site allocation would have a significant effect on the integrity of a European site.

Interpretation of 'likely significant effects'

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

3.14 In the Waddenzee case **[See reference** 25**]**, the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Reg. 102 in the Habitats Regulations), including that:

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

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

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

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

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

Mitigation provided by the plan

3.18 Some of the potential effects of a plan could be mitigated through the implementation of other policies in the plan itself, such as the provision of green infrastructure within new developments (which could help mitigate increased pressure from recreation activities at European sites). Nevertheless, in accordance with the 'People over Wind' judgment, avoidance and mitigation measures cannot be relied upon at the Screening stage, and therefore, where such measures exist, they will be considered at the Appropriate Assessment stage for impacts and policies where likely significant effects, either alone or in-combination, cannot be ruled out.

Assessment of potential in-combination effects

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

3.20 Where the plan is likely to have an effect on its own (due to impact pathways being present), but it is not likely to be significant, the in-combination assessment at Screening stage needs to determine whether there may also be the same types of effect from other plans or projects that could combine with the plan to produce a significant effect. If so, this likely significant effect arising from the plan in combination with other plans or projects, would then need to be considered through the Appropriate Assessment stage to determine if the impact pathway would have an adverse effect on integrity of the relevant European site. Where the Screening assessment has concluded that there is no impact pathway between development proposed in the plan and the conditions necessary to maintain qualifying features of a European site, then there will be no in-combination effects to assess at the Screening or Appropriate Assessment stage. This approach accords with recent guidance on HRA **[See reference** 26**]**.

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

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

3.23 The online HRA Handbook **[See reference** 27**]** suggests the following plans and projects may be relevant to consider as part of the in-combination assessment:

- Applications lodged but not yet determined, including refusals subject to an outstanding appeal or legal challenge;
- Projects subject to periodic review e.g. annual licences, during the time that their renewal is under consideration;
- Projects authorised but not yet started';
- Projects started but not yet completed;
- Known projects that do not require external authorisation; and
- Proposals in adopted plans.

Chapter 4

Screening Assessment

4.1 As described in Chapter 3, a Screening assessment was carried out in order to identify the likely significant effects of the Tattingstone 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, firstly by impact types and then by considering the policies in the emerging Neighbourhood Plan.

HRA Screening of impacts

4.2 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)

4.3 Any development resulting from the plan would take place within the Tattingstone 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 (on-site).

Physical damage and loss (offsite)

4.4 Habitat loss from development in areas outside of the European site boundaries may result in likely significant effects where that habitat contributes towards maintaining the interest feature for which the European site is designated. This includes land which that may provide offsite movement corridors or foraging and sheltering habitat for mobile species such as birds, bats and fish. European sites susceptible to the indirect effects of habitat loss are restricted to those sites with qualifying species that rely on offsite habitat. These were identified as:

- Stour and Orwell Estuaries SPA and Ramsar site;
- Hamford Water SAC, SPA and Ramsar site;
- Outer Thames Estuary SPA;
- Colne-Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar site;
- Sandlings SPA; and
- Deben Estuary SPA and Ramsar site.

4.5 Therefore, these European sites are considered susceptible to impacts from proposed development in the plan area.

4.6 All other European sites were screened out of the assessment as they do not support qualifying features that are reliant on offsite functionally linked habitat.

Non-physical disturbance (noise, vibration and light)

4.7 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.

4.8 It has been assumed that the effects of noise, vibration and light are most likely to be significant within a distance of 500 metres. There is also evidence of 300 metres being used as a distance up to which certain bird species can be disturbed by the effects of noise **[See reference** 28**]**; however, it has been assumed (on a precautionary basis) that the effects of noise, vibration and light pollution are capable of causing an adverse effect if development takes place within 500 metres of a European site with qualifying features sensitive to these types of disturbance.

4.9 All European sites are located over 500 metres from the Neighbourhood Plan area and therefore are not considered susceptible to impacts relating to onsite non-physical disturbance from development in the plan area. However, there is potential for likely significant effects as a result of offsite impacts, if offsite areas used by the qualifying species of these sites were to be located within 500 metres of the Neighbourhood Plan area.

Non-toxic contamination

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

4.11 The effects of non-toxic contamination are most likely to be significant if development takes place within 500 metres of a European site with qualifying features sensitive to these types of disturbance, such as riparian and wetland habitats, or sites designated for habitats and plant species. This is the distance that, in our experience, provides a robust assessment of effects in plan-level HRA and meets with the agreement of Natural England.

4.12 All European sites are located over 500 metres from the Neighbourhood Plan area and therefore are not considered susceptible to impacts relating to non-toxic contamination from development in the plan area and this type of impact is screened out of the assessment.

Air pollution

4.13 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.

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

4.15 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 200 metres from the road itself. Where increases in traffic volumes are forecast, this 200 metres buffer needs to be applied to the relevant roads in order to make a judgement about the likely geographical extent of air pollution impacts.

4.16 For highways within 200 metres of sensitive receptors, the DMRB provides the following Screening criteria to ascertain whether there are likely to be significant impacts from developments:

- 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 5 metres or more.

4.17 Thus, where significant increases in traffic are possible on roads within 200 metres of European sites, traffic forecast data may be needed to determine if increases in vehicle traffic are likely to be significant. In line with the Wealden judgment **[See reference** 29**]**, the traffic growth considered by the HRA should be based on the effects of development provided for by the plan in combination with other drivers of growth such as development proposed in neighbouring districts and demographic change.

4.18 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 200 metres of only minor roads, no significant effect from traffic-related air pollution is considered to be the likely outcome.

4.19 The A137 runs through the western part of the Plan area from north to south, but it is not within 200 metres of any of the European sites being considered in this HRA. While the A137 connects with the A14, which is within 200 metres of the Stour and Orwell Estuaries SPA and Ramsar site, there is no direct road between Tattingstone and the European sites and therefore any traffic arising from within Tattingstone is expected to be dispersed throughout the highways network before reaching the part of the A14 that passes within 200 metres of the SPA and Ramsar site. Therefore, no European sites are considered to be susceptible to impacts from air pollution caused by the Tattingstone Neighbourhood Plan.

Recreation

4.20 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 trampling, fire or vandalism and also through erosion associated with terrestrial activities.

4.21 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.

4.22 Existing visitor survey work available for European sites is summarised in Table 4.1 below:

Table 4.1: Zone of Influence (ZOI) derived from existing visitor survey work

European Site	ZOI
Stour and Orwell Estuaries SPA and Ramsar site	13km
Hamford Water SAC, SPA and Ramsar site	8km
Deben Estuary SPA and Ramsar site	13km
Essex Estuaries SAC	9.7km/29km*
Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar site	9.7km
Sandlings SPA	13km

*Essex Estuaries SAC overlaps with Colne Estuary SPA and Ramsar site. Therefore both ZOIs have been included for Essex Estuaries SAC to account for those areas which overlap.

4.23 A review of the European sites and their recreational ZOIs set out in Table 4.1 determined that the following European sites do not have a recreational ZOI that extends into the Neighbourhood Plan area and can therefore be scoped out of further assessment:

- Deben Estuary SPA and Ramsar site;
- Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar site; and
- Sandlings SPA.

4.24 Likely significant effect as a result of recreation cannot therefore be ruled out at this stage for the remaining European sites (Stour and Orwell Estuaries SPA and Ramsar site; Hamford Water SAC, SPA and Ramsar site; Essex Estuaries SAC).

Reduced water quantity and quality

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

4.26 All scoped-in European sites have been identified to support habitats and/or qualifying species, which are susceptible to impacts from changes in water quantity and quality. Therefore, likely significant effects as a result of reduced water quantity and quality cannot be ruled out based only on consideration of the European sites.

HRA Screening of policies

4.27 Appendix C sets out the HRA Screening assessment for the Tattingstone Neighbourhood Plan, by policy.

4.28 Since none of the policies of the Tattingstone Neighbourhood Plan are expected to directly result in development (for the reasons detailed in Appendix C), they will not result in significant effects on European sites. Therefore, no likely significant effects are predicted as a result of the Neighbourhood Plan, despite some impact pathways existing for certain European sites as detailed in the previous section.

Chapter 5

Conclusions and Next Steps

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

Next steps

5.2 An Appropriate Assessment is not required for the Tattingstone Neighbourhood Plan 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.

LUC
March 2024

Appendix A

Map of European Sites within 20km of Tattingstone Neighbourhood Plan Area

Habitat Risk Assessment Screening
for Babergh Mid Suffolk Neighbourhood Plans

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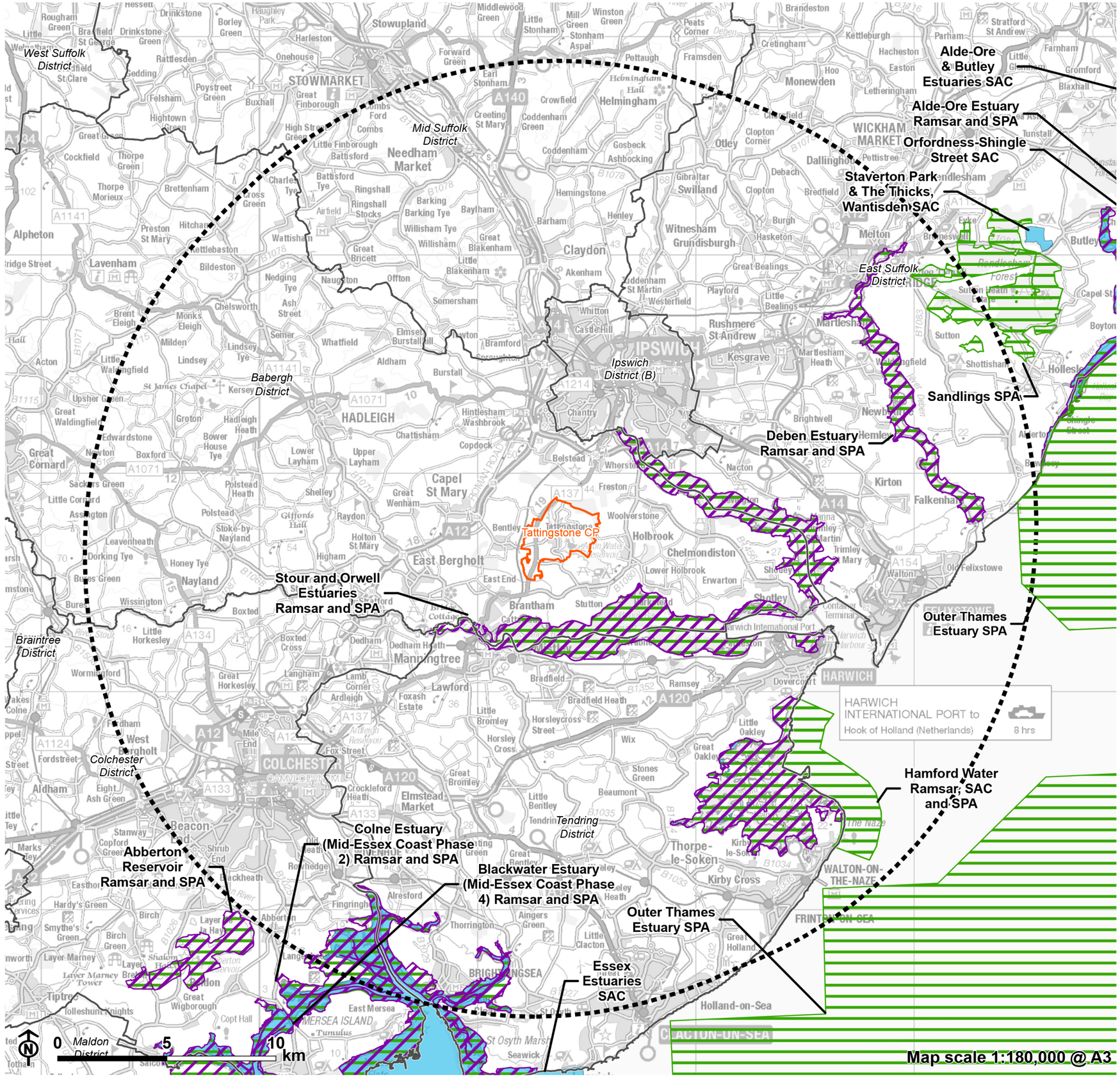
European Designated Sites within 20km of Tattingstone Neighbourhood Plan Area



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

Appendix B

Attributes of European Sites

B.1 This appendix contains information on the European sites that have been scoped into the HRA. Site areas and designated features are drawn from SAC and SPA Standard Data Forms and Ramsar Site Information Sheets **[See reference** 30**]**. The overviews of sites and their locations are drawn from Natural England's Site Improvement Plans **[See reference** 31**]** Site conservation objectives are drawn from Natural England's website and are only available for SACs and SPAs **[See reference** 32**]**.

Stour and Orwell Estuaries SPA

Overview of site and its location

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 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 This 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 alpina*
- 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, especially 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

Overview of site and its location

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

Qualifying features

Ramsar criterion 2

B.12 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

B.13 Species with peak counts in winter:

- 63,017 waterfowl

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

B.14 Species with peak counts in spring/autumn:

- Common redshank *Tringa totanus tetanus*

B.15 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

Conservation objectives

B.16 None available.

Key vulnerabilities

B.17 Similar to Stour and Orwell Estuaries SPA (see above).

B.18 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.

Deben Estuary SPA

Overview of site and its location

B.19 Deben Estuary is located on the coast of Suffolk in eastern England. It extends south-eastwards for over 12 kilometres from the town of Woodbridge to the sea just north of Felixstowe. The estuary mouth is the narrowest section and is protected by the presence of shifting sandbanks. The intertidal areas are

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

Qualifying features

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

Conservation objectives

B.20 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.21 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

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

Key vulnerabilities

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

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

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

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

B.22 In general, the qualifying bird species of the SPA rely on:

- The sites ecosystem as a whole (see list of habitats below);
- Maintenance of populations of species that they feed on (see list of diets below);
- Off-site habitat, which provide foraging habitat for these species; and
- Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat.

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

- Habitat Preference – Tundra, and on migration marshes and estuaries.
- Diet – Vegetation, especially eel-grass.

Pied avocet *Recurvirostra avosetta*

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

Deben Estuary Ramsar

Overview of site and its location

B.23 Refer to Deben Estuary SPA above.

Qualifying features

Ramsar criterion 2

B.24 Supports a population of the mollusc *Vertigo angustior* (Habitats Directive Annex II (S1014); British Red Data Book Endangered). Martlesham Creek is one of only about fourteen sites in Britain where this species survives.

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

Qualifying species/populations (as identified at designation)

B.25 Species with peak counts in winter:

- Dark-bellied brent goose *Branta bernicla bernicla*

Conservation objectives

B.26 None available.

Key vulnerabilities

B.27 Similar to Deben Estuary SPA (above).

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

B.28 Refer to Similar to Deben Estuary SPA (above).

Hamford Water SAC

Overview of site and its location

B.29 Hamford Water is a large, shallow estuarine basin comprising tidal creeks and islands, intertidal mud- and sand-flats.

Qualifying features

- Fisher's estuarine moth *Gortyna borelii lunata*

Conservation objectives

B.30 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.31 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

- Inappropriate scrub control – Scrub encroachment results in a loss of habitat for Fisher's Estuarine Moth, as the moth's larval foodplant (hog's fennel) is a species of open grassland. Although there are plans in place for scrub reduction/control in several areas, more action is likely to be needed to get/keep it under control.

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

B.32 In general, the qualifying species of the SAC rely on:

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

Fisher's Estuarine Moth

- Habitat Preference – Sea-walls and coastal grassland.
- Diet – Hog's Fennel.

Hamford Water SPA

Overview of site and its location

B.33 Overview of site and its location. Refer to Hamford Water SAC above.

Qualifying features

B.34 Annex I species present as a qualifying feature:

- During the breeding season:
  - Little tern *Sterna albifrons*
- Over winter:
  - Avocet *Recurvirostra avosetta*
  - Golden plover *Pluvialis apricaria*
  - Ruff *Philomachus pugnax*

B.35 This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:

- On passage:
  - Ringed plover *Charadrius hiaticula*
- Over winter:
  - Black-tailed godwit *Limosa limosa islandica*
  - Dark-bellied brent goose *Branta bernicla bernicla*
  - Grey plover *Pluvialis squatarola*
  - Ringed plover *Charadrius hiaticula*

- Teal *Anas crecca*
- Common shelduck *Tadorna tadorna*
- Common redshank *Tringa tetanus*

Conservation objectives

B.36 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.37 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 – The Essex coastline is subject to rising sea levels and increasing frequency in coastal and tidal surges, as a result of climate. To prevent intertidal habitats from shifting landward hard sea defences have been implemented. The combination of climate change, sea defences and subsidence are likely to contribute to coastal squeeze, which will lead to the degradation and reduction of suitable habitat used by overwintering and breeding birds for feeding, roosting and/or nesting.
- Changes in species distribution – Declines in the number of bird species present at Hamford Water SPA have occurred. This is likely to be the

result of changes in population and distribution on an international scale, due to climate change.

- Public access/disturbance – Hamford Water attracts a large number of yachts and accompanying watersports. Sensitive areas of the SPA are threatened by unauthorised access on foot, from boats and by quad bike/motorbike.
- Air pollution: Risk of 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.
- Fisheries: Commercial marine 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 European 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.38 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.

Little tern *Sterna albifrons*

- Habitat Preference – Seacoasts, rivers and lakes.
- Diet – Small fish and invertebrates.

Avocet *Recurvirostra avosetta*

- Habitat Preference – Mudflats, lagoons and sandy beaches.
- Diet – Aquatic insects and their larvae, crustaceans and worms.

Golden plover *Pluvialis apricaria*

- Habitat Preference – Tundra, wet moor, and on migration pasture and estuaries.
- Diet – Invertebrates, especially beetles, earthworms, this species feeds extensively at night.

Ruff *Philomachus pugnax*

- Habitat Preference – Grassy tundra, lakes, farmland, on migration mudflat.
- Diet – Invertebrates, especially insects, and some plant material (especially in winter).

Ringed plover *Charadrius hiaticula*

- Habitat Preference – Sandy areas with low vegetation, and on migration estuaries.
- Diet – Summer, invertebrates, and in winter primarily marine worms, crustaceans and molluscs.

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.

Dark-bellied brent goose *Branta bernicla bernicla*

- Habitat Preference – Tundra, and on migration marshes and estuaries.
- Diet – Vegetation, especially eel-grass.

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.

Common shelduck *Tadorna tadorna*

- Habitat Preference – Coasts, estuaries and lakes.
- Diet – Mostly invertebrates, especially insects, molluscs and crustaceans.

Eurasian teal (Non-breeding) *Anas crecca*

- Habitat Preference – Lakes, marshes, ponds and shallow streams.
- Diet – Omnivorous, mostly seeds in winter, feeds mostly at night in shallow water.

Common redshank *Tringa totanus*

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

Hamford Water Ramsar site

Overview of site and its location

B.39 Hamford Water Ramsar site SPA/SAC above.

Qualifying features

B.40 Species/populations with peak counts in spring/autumn:

- Ringed plover *Charadrius hiaticula*
- Common redshank *Tringa totanus tetanus*

B.41 Species/populations with peak counts in winter:

- Dark-bellied brent goose *Branta bernicla bernicla*
- Black-tailed godwit *Limosa limosa islandica*

B.42 Species/populations identified subsequent to designation for possible future consideration under criterion 6:

- Grey plover *Pluvialis squatarola*

Conservation objectives

B.43 None available.

Key vulnerabilities

B.44 Refer to Hamford Water SPA (above).

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

B.45 Refer to Hamford Water SPA (above).

Sandlings SPA

Overview of site and its location

B.46 The Sandlings SPA lies near the Suffolk Coast between the Deben Estuary and Leiston. The site is notified for its internationally important populations of woodlark and nightjar. The SPA is made up of lowland heathland, acid grassland and forestry plantations on sandy soils which once supported extensive heathland; the main conservation interest of which lies in the open areas such as young plantation and rotational clearfell which provide suitable breeding habitat.

Qualifying features

B.47 Annex I populations of the following species:

- European nightjar *Caprimulgus europaeus*
- Woodlark *Lullula arborea*

Conservation objectives

B.48 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.49 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 population of each of the qualifying features; and
- The distribution of the qualifying features within the site.

Key vulnerabilities

- Changes in species distributions – Declines have occurred in the numbers of Woodlark and Nightjar within the SPA but these may be due to changes in their distributions or population levels at a national or continental scale, possibly linked to climate change.

- Inappropriate scrub control – Scrub encroachment is reducing habitat suitability for Woodlark and Nightjar. Regular management is essential to maintain and restore the supporting heathland habitat.
- Deer – Populations of deer have increased and exert grazing pressure on habitats affecting the quality of the nesting habitat.
- Air pollution: Risk of atmospheric nitrogen deposition – Atmospheric nitrogen deposition exceeds the relevant critical loads for coastal habitats used by breeding birds and hence there is a risk of harmful effects.
- Public access /disturbance – Increased recreational activity within the site could lead to increased levels of disturbance to breeding, to their detriment. The main source of disturbance is walkers and dogs and this is likely to increase with new housing developments in the area.

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

European nightjar *Caprimulgus europaeus*

- Habitat Preference – Open conifer woodland, heathland and moorland.
- Diet – Moths, beetles, flies.

Woodlark *Lullula arborea*

- Habitat Preference – Natural habitat is heathland and open spaces sparsely populated with trees.
- Diet – Seeds and such insects as beetles, flies and moths.

Outer Thames Estuary SPA

Overview of site and its location

B.50 The SPA lies along the east coast of England in the southern North Sea and extends northward from the Thames Estuary to the sea area off Great Yarmouth on the East Norfolk Coast.

Qualifying features

B.51 The following Annex 1 species:

- Red-throated diver *Gavia stellata*
- Common tern *Sterna hirundo*
- Little tern *Sternula albifrons*

Conservation objectives

B.52 To ensure the site remains in or reaches favourable condition.

Key vulnerabilities

B.53 The following key vulnerabilities have been identified for the Outer Thames Estuary SPA:

- Shipping lanes, ports and marine constructions;
- Renewable abiotic energy use;
- Fishing and harvesting aquatic resources;

- Military use and civil unrest; and
- Marine water pollution.

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

B.54 Habitats found within the SPA include mud, sand and gravel alongside a range of mobile sediments and tidal current stream.

Colne Estuary (Mid-Essex Coast Phase 2) SPA

Overview of site and its location

B.55 The Colne Estuary is located on the coast of Essex in eastern England. It is a comparatively short and branching estuary, with five tidal arms that flow into the main channel of the River Colne. The estuary has a narrow intertidal zone predominantly composed of flats of fine silt with mud-flat communities typical of south-eastern English estuaries. The estuary is of importance for a range of wintering wildfowl and waders, in addition to breeding Little Tern Sterna albifrons which nest on shell, sand and shingle spits. There is a wide variety of coastal habitats which include mud-flat, saltmarsh, grazing marsh, sand and shingle spits, disused gravel pits and reedbeds which provide feeding and roosting opportunities for the large numbers of waterbirds that use the site.

B.56 The Colne Estuary is an integral component of the phased Mid-Essex Coast SPA.

Qualifying features

B.57 Annex I populations of the following species:

- During the breeding season:
  - Little tern *Sterna albifrons*
- Over winter:
  - Avocet *Recurvirostra avosetta*
  - Golden plover *Pluvialis apricaria*
  - Hen harrier *Circus cyaneus*

B.58 This 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:
  - Dark-bellied brent goose *Branta bernicla bernicla*
  - Redshank *Tringa totanus*

B.59 The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl.

Conservation objectives

B.60 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.61 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 along much of the Essex coastline prevent intertidal habitats from shifting landward in response to rising sea levels. As a result, these habitats are being gradually degraded and reduced in extent, with knock-on effects on the waterbirds and other species they support. 'Managed realignment' schemes and additional intervention measures to create new areas of intertidal habitat and reduce erosion rates are being implemented but more will be needed to offset future losses. Grazing marshes in the area of the Mid Essex Coast SPAs are important for waterbirds and are also threatened by sea level rise because most are near or below mean high tide level, currently protected behind seawalls.
- Public access /disturbance – Breeding and overwintering waterbirds are susceptible to human disturbance from a range of land- and water-based activities – including boating and watersports, walking, bait-digging, fishing and wildfowling – as well as low-flying aircraft. Some activities, such as powerboating, may produce physical disturbance to habitats.
- Planning permission: General – Several of the issues affecting the Essex Estuaries and the management of disturbance effects on the sites are related to each other, and addressing them is likely to require an improved overview of the relative sensitivities of different habitats, species and locations to different types of development.
- Changes in species distributions – Declines have occurred in the numbers of some of the waterbird species using the Essex Estuaries SIP area but

these may be due to changes in their distributions or population levels at a national or continental scale, possibly linked to climate change.

- Invasive species – An increase in Pacific oyster *Crassostrea gigas* settlement and colonisation within the Habitats Marine Site may result in areas of foreshore being covered in such numbers as to make them difficult to access and utilise as feeding grounds for overwintering birds. Invasive common cord grass may adversely affect other species and habitats, including feeding and roosting areas of SPA bird species.
- Fishing – Recreational bait digging may impact waterbirds e.g. by reducing prey availability, or damaging the intertidal mudflats and sandflats and associated communities. The extent of the activity and potential impacts on site features are not currently well understood. Certain forms of commercial fishing, e.g. bottom towed fishing gear; can be very damaging to inshore marine habitats and the bird species dependent on the communities they support.
- Air pollution: Risk of 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. However, on the Essex estuaries declines in the numbers of breeding terns appear to be due mainly to erosion of a man-made cockle-shingle bank (at Foulness) and to disturbance (elsewhere), rather than to over-vegetation of breeding areas caused by nitrogen deposition.

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

B.62 In general, the qualifying bird species of the SPA rely on:

- The sites ecosystem as a whole (see list of habitats below);
- Maintenance of populations of species that they feed on (see list of diets below);
- Off-site habitat, which provide foraging habitat for these species; and

- Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat.

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

- Habitat Preference – Tundra, and on migration marshes and estuaries.
- Diet – Vegetation, especially eel-grass.

Common pochard (Breeding) *Aythya ferina*

- Habitat Preference – Lakes and slow rivers, and on migration also estuaries.
- Diet – Mostly plant material, also small animals.

Hen harrier (Non-breeding) *Circus cyaneus*

- Habitat Preference – Moor, marsh, steppe and fields.
- Diet – Mainly small birds and mammals.

Ringed plover (Breeding) *Charadrius hiaticula*

- Habitat Preference – Sandy areas with low vegetation, and on migration estuaries.
- Diet – In summer, invertebrates and in winter primarily marine worms, crustaceans and molluscs.

Common redshank (Non-breeding) *Tringa tetanus*

- Habitat Preference – Rivers, wet grassland, moors and estuaries.

- Diet – Invertebrates, especially earthworms, cranefly larvae (inland) crustaceans, molluscs, marine worms (estuaries).

Little tern (Breeding) *Sterna albifrons*

- Habitat Preference – Seacoasts, rivers and lakes.
- Diet – Small fish and invertebrates.

Colne Estuary (Mid-Essex Coast Phase 2) Ramsar

Overview of site and its location

B.63 Refer to Colne Estuary (Mid-Essex Coast Phase 2) Ramsar SPA above.

Qualifying features

Ramsar criterion 1

B.64 The site is important due to the extent and diversity of saltmarsh present.

Ramsar criterion 2

B.65 The site supports 12 species of nationally scarce plants and at least 38 British Red Data Book invertebrate species.

Ramsar criterion 3

B.66 This site supports a full and representative sequence of saltmarsh plant communities covering the range of variation in Britain.

Ramsar criterion 5 – assemblages of international importance

B.67 Species with peak counts in winter:

- 32041 waterfowl (5 year peak mean 1998/99-2002/2003)

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

Qualifying species/populations (as identified at designation)

B.68 Species with peak counts in winter:

- Dark-bellied brent goose *Branta bernicla bernicla*
- Common redshank *Tringa totanus tetanus*

B.69 Species/populations identified subsequent to designation for possible future consideration under criterion 6.

Conservation objectives

B.70 None available.

Key vulnerabilities

B.71 Refer to Colne Estuary (Mid-Essex Coast Phase 2) Ramsar SPA above.

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

- Habitat – Saltmarsh habitat is reliant a range of coastal factors, in particular sedimentary and tidal processes which influence the pattern and development of vegetation. These factors influence the complex interdependent intertidal, subtidal and terrestrial habitats present along the coast.
- 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.
- Invertebrates – These species are reliant on the saltmarsh habitat and characteristic flora and fauna that are present within the Habitats site. Key sources of food range from flowering plants, organic matter and other invertebrate species.
- Birds – Refer to Colne Estuary (Mid-Essex Coast Phase 2) SPA above. Consideration also needs to be given to black-tailed godwit, for which this Ramsar site is designated for.

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.

Essex Estuaries SAC

Overview of site and its location

B.72 Large estuarine site in south-east England. The site comprises the major estuaries of the Colne, Blackwater, Crouch and Roach river.

Qualifying features

B.73 Annex 1 habitats that are a primary reason for selection of this site:

- Estuaries
- Mudflats and sandflats not covered by seawater at low tide
- Salicornia and other animals colonising mud and sand
- Spartina swards *Spartinion maritimae*
- Atlantic salt meadows *Glauco-Puccinellietalia maritimae*
- Mediterranean and thermo-Atlantic halophilous scrubs

B.74 Annex 1 habitats present as a qualifying feature:

- Sandbanks which are slightly covered by seawater all the time.

Conservation objectives

B.75 With regard to the individual species and/or assemblage of species for which the site has been classified.

B.76 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.77 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 along much of the Essex coastline prevent intertidal habitats from shifting landward in response to rising sea levels. As a result, these habitats are being gradually degraded and reduced in extent, 'Managed realignment' schemes and additional intervention measures to create new areas of intertidal habitat and reduce erosion rates are being implemented but more will be needed to offset future losses.
- Fisheries: Commercial marine and estuarine – Shellfish dredging over subtidal habitats has been identified as an Amber activity and is considered a high priority for assessment and development of possible management for the site. Bottom towed fishing gear has been categorised as a 'Red' for the interest features listed, specifically the seagrass beds Zostera spp, a sub-feature of the SAC.
- Planning permission: General – Several of the issues affecting the Essex Estuaries and the management of disturbance effects on the sites are related to each other, and addressing them is likely to require an improved overview of the relative sensitivities of different habitats, species and locations to different types of development.

- Invasive species – Non-native invasive species such as the American whelk tingle *Urosalpinx cinerea* and Slipper limpet *Crepidula fornicata* are known to occupy subtidal muddy habitats, potentially impacting native communities through competition for resources and predation. Invasive common cord grass may adversely affect plant species for which the Essex Estuaries SAC is designated.
- Fisheries: Recreational marine and estuarine – Recreational bait digging may damage the intertidal mudflats and sandflats and associated sub-features and communities, such as eelgrass beds. The extent of the activity and potential impacts on site features are not currently well understood.
- Air pollution: Risk of 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. However, on the Essex estuaries declines in the numbers of breeding terns appear to be due mainly to erosion of a man-made cockle-shingle bank (at Foulness) and to disturbance (elsewhere), rather than to over-vegetation of breeding areas caused by nitrogen deposition.

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

- Habitat – The qualifying habitats of the SAC are reliant a range of coastal factors, including salinity, sedimentation, tide, sea level, turbidity and elevation, which influence the interdependent intertidal, subtidal and terrestrial habitats. These factors influence the complex interdependent intertidal, subtidal and terrestrial habitats present along the coast.

B.78 Additional factors are provided below for each habitat (where relevant):

- Sandbanks which are slightly covered by sea water all the time; and
- Reef-building species such as *Sabellaria spinulosa* help to stabilise the sediment, allowing the colonisation of sessile animals.

Appendix C

Detailed Screening Assessment of Policies

Policy TATT1 – Spatial Strategy

Potential likely significant effects

C.1 None – This policy sets out how the Neighbourhood Area will accommodate development commensurate with the policies of the adopted Babergh and Mid Suffolk Joint Local Plan – Part 1. This policy will not directly result in development.

Policy TATT2 – Housing Development

Potential likely significant effects

C.2 None – This policy sets out that within the Settlement Boundaries, as defined on the Policies Map, there is a general presumption in favour of housing development in the form of small brownfield “windfall” sites and infill plots of one or two dwellings where proposals would not have a detrimental impact on the built and natural character of the site and its surroundings, the amenity of residents and infrastructure, including highways. This policy will not directly result in development.

Policy TATT3 – Affordable Housing on Rural Exception Sites

Potential likely significant effects

C.3 None – This policy sets out that proposals for the development of small-scale affordable housing schemes where housing would not normally be permitted by other policies, will be supported where there is a proven need in the parish and provided that the housing remains affordable, is for people that are in housing need and is offered, in the first instance, to people with a demonstrated local connection. This policy will not directly result in development.

Policy TATT4 – Protection of the Landscape Setting of Tattingstone

Potential likely significant effects

C.4 None – This policy sets out protections for landscape, heritage and the rural character of the Neighbourhood Plan Area, requiring development proposals, where appropriate, to demonstrate a regard to the rural and landscape character and the setting of the built-up areas of the parish and conserve or enhance the unique landscape and scenic beauty within the parish. This policy will not directly result in development.

Policy TATT5 – Protection of Important Views

Potential likely significant effects

C.5 None – This policy sets protections for the landscape and rural character and setting of the parish, requiring proposals to show they will not have a detrimental impact on the key features and attributes of important views. This policy will not directly result in development.

Policy TATT6 – Biodiversity and Habitats

Potential likely significant effects

C.6 None – This policy states development proposals should avoid the loss of, or significant harm to trees, hedgerows, ponds and watercourses. This policy will not directly result in development.

Policy TATT7 – Local Green Spaces

Potential likely significant effects

C.7 None – This policy sets out protection for eight green spaces within the Neighbourhood Plan area. This policy will not directly result in development.

Policy TATT8 – Design Considerations

Potential likely significant effects

C.8 None – This policy sets out how proposals for new development must reflect the local characteristics and circumstances in the Neighbourhood Plan Area as described in both the Tattingstone Landscape Appraisal and the Tattingstone Design Guidelines and Codes. Development must also create and contribute to a high quality, safe and sustainable environment. This policy will not directly result in development.

Policy TATT9 – Non-Designated Heritage Assets

Potential likely significant effects

C.9 None – This policy sets out protection for 10 Non-Designated Heritage Assets. Proposals that would cause harm to the significance of these buildings and features should be supported by an appropriate analysis of the significance of the asset to enable a balanced judgement to be made having regard to the scale of any harm or loss and significance of the heritage asset. This policy will not directly result in development.

Policy TATT10 – Flooding and Sustainable Drainage

Potential likely significant effects

C.10 None – This policy sets out how proposals for all new development will be required to submit schemes appropriate to the scale of the proposal detailing how on-site drainage and water resources will be managed so as not to cause or exacerbate surface water and fluvial flooding elsewhere. Additionally, SuDS should be utilised. This policy will not directly result in development.

Policy TATT11 – Dark Skies

Potential likely significant effects

C.11 None – This policy sets out how development proposals should minimise light pollution and adverse effect on wildlife. Dark skies are to be preferred over lighting while ensuring that new developments are secure in terms of occupier and vehicle safety. This policy will not directly result in development.

Policy TATT12 – Public Rights of Way

Potential likely significant effects

C.12 None – This policy supports measures to improve and extend the existing network of public rights of way, particularly if their value as biodiversity corridors

is recognised and protected and efforts are made to enhance biodiversity as part of the proposal. This policy will not directly result in development.

Policy TATT13 – Parking Standards

Potential likely significant effects

C.13 None – This policy states that development proposals should maintain or enhance the safety of the highway network ensuring that all vehicle parking is designed to be integrated into the site without creating an environment dominated by vehicles. This policy will not directly result in development.

References

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

2 HM Government (2017) The Conservation of Habitats and Species Regulations 2017 (SI No. 2017/1012), as amended by HM Government (2019) The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI No. 2019/579)

3 The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated. (Source: UK Government Planning Practice Guidance)

4 Department for Levelling Up, Housing and Communities (2019) Appropriate assessment: Guidance on the use of Habitats Regulations Assessment

5 Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive').

6 Directive 2009/147/EC of 30 November 2009 on the conservation of wild birds (the 'Birds Directive').

7 The network of protected areas identified by the EU: European Commission (2008) Natura 2000

8 Department for Environment, Food and Rural Affairs (2021) Changes to the Habitats Regulations 2017

9 Department for Environment, Food and Rural Affair, Natural England, Welsh Government and Natural Resources Wales (2021) Habitats regulations assessments: protecting a European site

10 Department for Levelling Up, Housing and Communities (2023) National Planning Policy Framework (paragraph 191)

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

12 Department for Environment, Food and Rural Affairs, Natural England, Welsh Government and Natural Resources Wales (2021) Habitats regulations assessments: protecting a European site

13 Regulations 5 of the Habitats Regulations 2017.

14 Department for Levelling Up, Housing and Communities (2019) Appropriate assessment: Guidance on the use of the Habitats Regulations Assessment

15 European Commission (2001) Assessment of plans and projects significantly affecting European Sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC

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

17 Natural England (undated) Conservation Objectives for European Sites

18 In line with the CJEU judgement in Case C-323/17 People Over Wind v Coillte Teoranta, mitigation must only be taken into consideration at this stage and not during Stage 1: HRA Screening.

19 In addition to SAC and SPA citations and conservation objectives, key information sources for understanding factors contributing to the integrity of the sites include (where available) conservation objectives supplementary advice and Site Improvement Plans prepared by Natural England: Natural England (undated) Site Improvement Plans by region

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

21 Chapman, C. & Tyldesley, D. (2016) Functional linkage: How areas that are functionally linked to European sites have been considered when they may be affected by plans and projects 0 a review of authoritative decisions. Natural England Commissioned Reports, Number 207.

22 Obtained from the Natural England website.

23 Natural England (undated) Conservation Objectives for European Sites

24 SI No. 2017/2012.

25 ECJ Case C-127/02 “Waddenzee” Jan 2004.

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

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

28 British Wildlife Magazine (October 2007)

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

30 JNCC (2019) UK Protected Area Datasets for Download

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

32 Natural England (undated) Conservation Objectives for European Sites

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