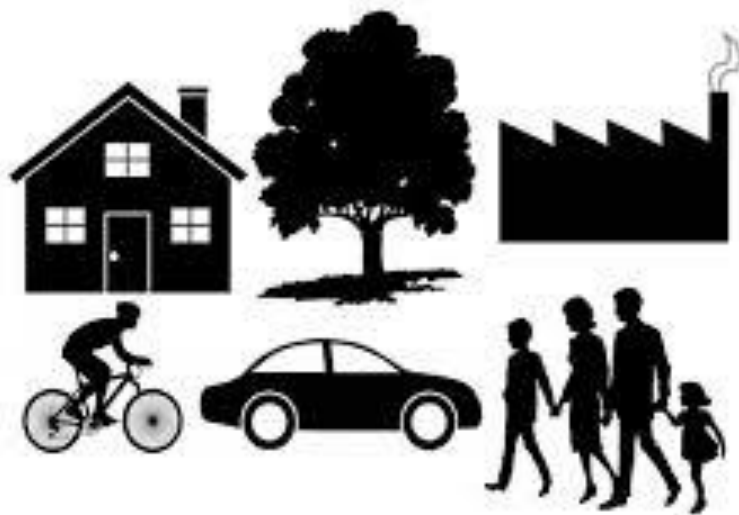


# Draft Habitats Regulations Screening Report To accompany the Draft Kessingland Neighbourhood Plan

February 2016



## Neighbourhood Plan



Waveney District Council  
Serving the Community



## **Contents**

1. Introduction
2. Background information - environmental features of Natura 2000 sites around Kessingland
3. Kessingland Neighbourhood Plan
4. Other key plans and strategies
5. Assessment of likely effect of the Kessingland Neighbourhood Plan on Natura 2000 sites
6. Summary and conclusions

List of abbreviations

## 1.0 Introduction

- 1.1 This report presents the results of a screening process to determine whether the Draft Kessingland Neighbourhood Development Plan is likely to have a significant effect on any site in the Natura 2000 network, and therefore whether full Appropriate Assessment will be required.
- 1.2 The Natura 2000 network provides protection for sites that are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within the European Union. The network consists of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). SACs are sites of European importance for nature conservation designated under the Conservation of Natural Habitats and Wild Flora and Fauna Directive (92/43/EEC). SPAs are sites of European importance for nature conservation designated under the Conservation of Wild Birds Directive (79/409/EEC). Both types can also be referred to as European Sites.
- 1.3 The requirement to undertake HRA of development plans was confirmed by the amendments to the 'Habitats Regulations' published for England and Wales in July 2007. When preparing its NDP, Kessingland Parish Council is required by law to carry out a 'Habitats Regulations Assessment'. It is also a requirement in Regulation 32 schedule 2 of the Neighbourhood Planning Regulations 2012.
- 1.4 As the Draft Kessingland Neighbourhood Plan is not directly connected with the management of any European sites, and includes proposals for development which may affect European sites, under Regulation 102(1)(a) of the Habitats Regulations 2010 it is necessary to undertake screening for likely significant effects on European sites.
- 1.5 The HRA of a Neighbourhood Plan is undertaken in stages and should conclude whether or not a proposal or policy in the Plan would adversely affect the integrity of any sites.
  - Stage 1: Determining whether a plan is likely to have a significant effect on a European site. This needs to take account of the likely impacts in combination with other relevant plans and projects. This assessment should be made using the precautionary principle.
  - Stage 2: Carrying out Appropriate Assessment and ascertaining the effect on site integrity. The effects of the plan on the conservation objectives of sites should be assessed, to ascertain whether the plan has an adverse effect on the integrity of a European site.
  - Stage 3: Identifying mitigation measures and alternative solutions. The aim of this stage is to find ways of avoiding or significantly reducing adverse impacts, so that site integrity is no longer at risk. If there are still likely to be negative impacts, the option should be dropped, unless exceptionally it can be justified by imperative reasons of overriding public interest.
- 1.6 This screening report contains the results of Stage 1 in relation to the Draft Kessingland Neighbourhood Plan. Stages 2 and 3 are only required if the screening stage (Stage 1) concludes that there is likely to be a significant impact on a European site.

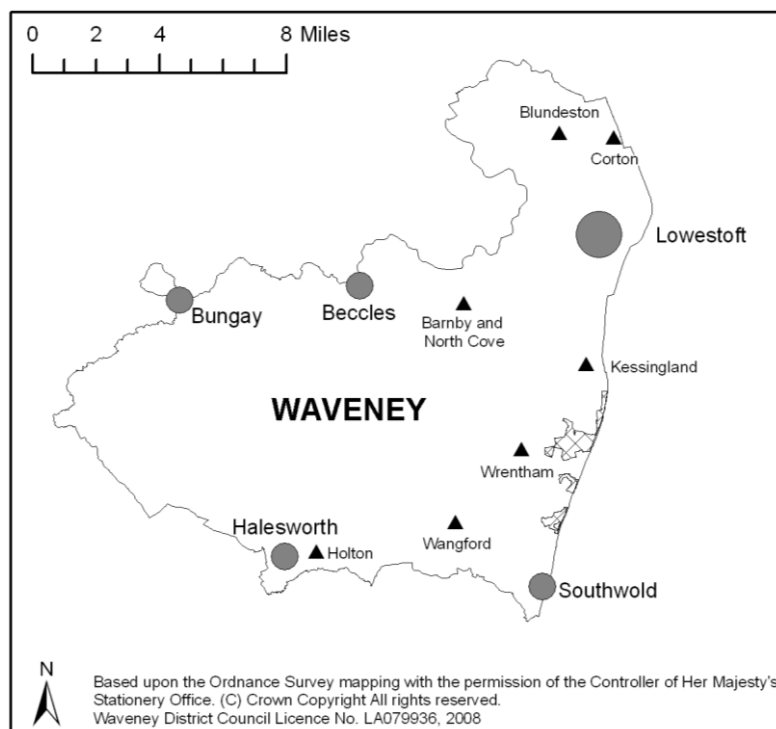
- 1.6 Sites included in this assessment are listed in Table 1. This includes sites that are close to the Draft Kessingland Neighbourhood Plan area.

**Table 1 Natura 2000 sites covered by this screening report**

	<b>SAC name</b>	<b>SPA name</b>	<b>Area (ha)</b>	<b>Location</b>
1	Benacre to Easton Barents Lagoons		366.93	Wholly within Waveney, on the coast.
2		Benacre to Easton Barents	516.83	Wholly within Waveney, on the coast.
3		Outer Thames Estuary	39,3734.18	Coastal and Offshore – North Kent to Norfolk
4		Outer Thames Estuary (proposed extension)	391,909.65	Coastal and Offshore North Kent to Norfolk River Yare and Bure, Minsmere and Foulness

## 2.0 Background information - environmental features of Natura 2000 sites around Kessingland

### 2.1 Benacre to Easton Bavents Lagoons SAC



#### Qualifying features (habitats/species)

- Coastal lagoons – one of the best areas in the UK.

#### Priority features

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

#### Key environmental features that support site integrity

A series of percolation lagoons with a wide range of salinities, separated from the sea by shingle barriers. The site supports a number of specialist lagoonal species.

#### Vulnerability of site

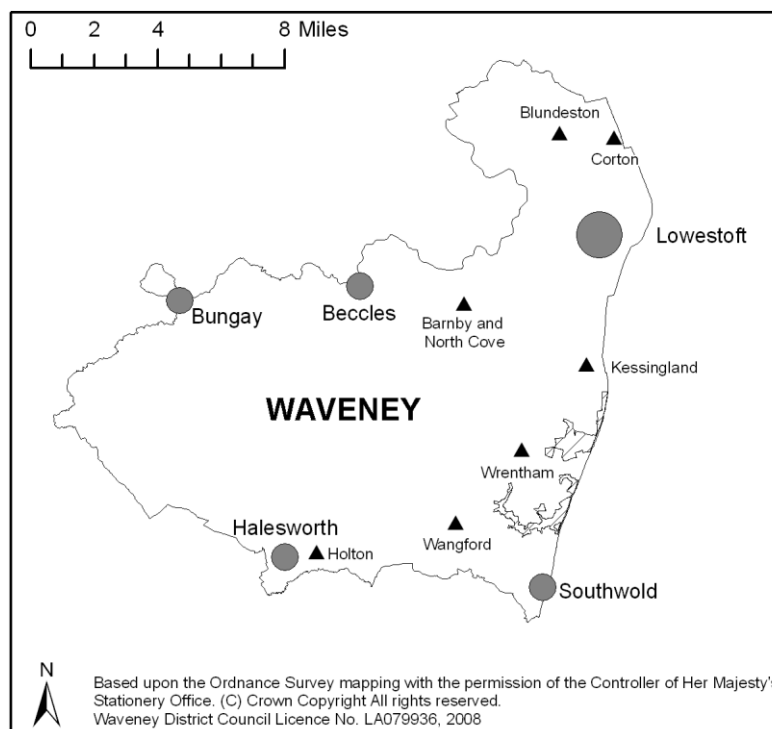
The lagoons at the Denes were created through shingle extraction. Salinity is maintained through percolation and overtopping of the shingle barrier. No management input is required to maintain these lagoons. The lagoons at Benacre, Covehithe and Easton are natural and result from ponded streams behind shingle barriers. Seawater enters the lagoons through overtopping of the barriers during high tides. Natural sea level rise will lead to more frequent saltwater inundation – beneficial for some habitats but causing loss of others. Saline lagoons will migrate landward as the coastline erodes, so their existence should not be compromised in short to medium term. Management actions to reduce the rate of erosion are being

addressed through the Shoreline Management Plan, and new lagoons have been created further from the coastline.

### Conservation Objectives

- Subject to natural change, to maintain, in favourable condition, the lagoons.

### 2.2 Benacre to Easton Bavents SPA



### Qualifying features (habitats/species)

- During the breeding season:
  - Bittern, *Botaurus stellaris* (5% of GB breeding population)
  - Marsh harrier, *Circus aeruginosus* (5.1% of GB breeding population)
  - Little tern, *Sterna albifrons* (0.9% of GB breeding population)

### Key environmental features that support site integrity

Shingle barriers provide nesting habitat for Little tern; reed beds and grazing marsh provide breeding habitat for Bittern and Marsh harrier.

### Vulnerability of site

As above.

### Conservation Objectives

- Subject to natural change, to maintain, in favourable condition, the lagoons.
- To maintain, in favourable condition, the habitats for the populations of Annex 1 species (bittern, little tern and marsh harrier) of European importance, with particular reference to:
  - shingle;

- shallow coastal waters;
- standing water;
- swamp; and
- marginal and inundation communities.

### 2.3 Outer Thames Estuary SPA



#### **Qualifying features (habitats/species)**

Over wintering:

Red-throated Diver *Gavia Stellata* (maximum count 6,486 individuals)

#### **Key environmental features that support site integrity**

The SPA is comprised of shallow coastal waters and areas in the vicinity of sub-tidal sandbanks that support red-throated diver prey, which includes small fish such as gadoids, sprat, herring and sand eel.

#### **Vulnerability of site**

The coastal waters and the habitats that support red-throated diver may be affected by the following activities:



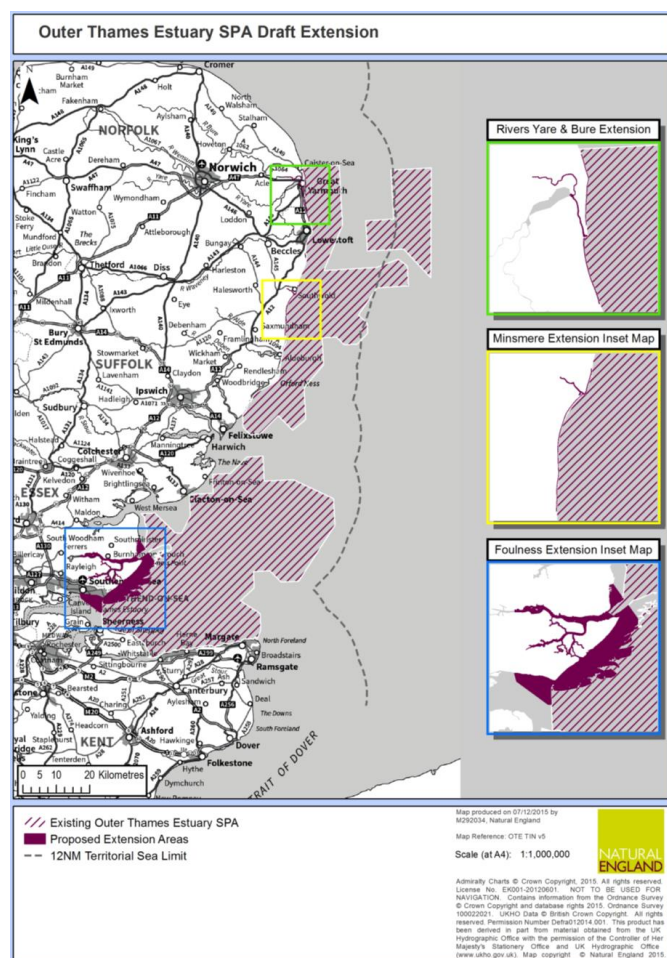
- Physical loss of or damage to supporting habitat or habitat feature, including dredging or smothering with soil, siltation or abrasion.
- Visual or noise disturbance.
- Toxic contamination with pesticides, TBT, PCBs, heavy metals, hydrocarbons or radionuclides.
- Non-toxic contamination with nutrients, warmer water, sediments or changes in salinity.
- Introduction of pathogens or non native species.
- Accidental turbine strike, entanglement or bycatch.
- Extraction and removal of prey species (by commercial and recreational fishing).

### Conservation objective

Subject to natural change, to maintain in favourable condition, the internationally important populations of the regularly occurring Birds Directive Annex I Species:

- Red-throated diver *Gavia Stellata* and its supporting habitats and prey species.

## 2.4 Outer Thames Estuary SPA Proposed Extension



### **Qualifying features (habitats/species)**

Over wintering:

### **Qualifying features (habitats and species)**

Over wintering:

Red-throated Diver *Gavia Stellata* (maximum count 6,466 individuals)

During the breeding season:

Little Tern *Sternula albifrons* (maximum count 746 individuals)

Common Tern *Sterna hirundo* (maximum count 532 individuals)

### **Key environmental features that support site integrity**

The SPA is comprised of shallow and deeper water, high tidal current streams and a range of mobile mud, sand, silt and gravelly sediments extending into the marine environment, incorporating areas of sandbanks often exposed at low tide. Intertidal mud and sand flats are further towards the coast and within creeks and inlets inland down the River Yare, Bure, Blyth and Roach and Crouch estuaries. The area supports red-throated diver prey, which includes small fish such as gadoids, sprat, herring and sand eel and foraging, feeding and nesting areas for little and common tern.

### **Vulnerability of site**

The coastal waters and the habitats that support red-throated diver may be affected by the following activities:

- Physical loss of or damage to supporting habitat or habitat feature, including dredging or smothering with soil, siltation or abrasion.
- Visual or noise disturbance.
- Toxic contamination with pesticides, TBT, PCBs, heavy metals, hydrocarbons or radionuclides.
- Non-toxic contamination with nutrients, warmer water, sediments or changes in salinity.
- Introduction of pathogens or non native species.
- Accidental turbine strike, entanglement or bycatch.
- Extraction and removal of prey species (by commercial and recreational fishing).

### **Conservation objective**

Subject to natural change, to maintain in favourable condition, the internationally important populations of the regularly occurring Birds Directive Annex I Species:

- Red-throated diver *Gavia Stellata* and its supporting habitats and prey species.
- Common tern *Sterna hirundo* and its foraging grounds.
- Little tern *Sternula albifrons* and its foraging grounds.

### 3.0 Draft Kessingland Neighbourhood Plan

- 3.1 Kessingland Parish Council is producing a Neighbourhood Development Plan for the Kessingland Parish, in order to set out the vision, objectives and policies for the development of the parish up to 2031. This HRA reviews the Draft Kessingland Neighbourhood Plan December 2015.
- 3.2 The Draft Kessingland Neighbourhood Plan is criteria based and allocates three sites to the north of the village. It provides general policies that clarify and provide detail to policies within the Waveney Core Strategy therefore it requires a high level screening assessment to build upon the HRA Screening Assessment Report for the Waveney Core Strategy.
- 3.3 The 17 policies in the Draft Kessingland Neighbourhood Plan are listed in the table below. An assessment of whether each policy is likely to have a significant effect on Natura 2000 sites is included in section 5 of this report.

**Table 2 List of Kessingland Neighbourhood Plan Policies**

PL1	Physical Limits Boundary
H1	Affordable Housing
H2	Residential Infill and Backland Development
SA1	Former Ashley Nurseries Site
SA2	Land at Laurel Farm West and South
SA3	Land at Laurel Farm East
TM1	Parking Standards for New Residential Development
TM2	Design of Estate Roads and Parking Courts
BE1	Protection of Existing Commercial Premises or Land
BE2	Conversion of Vacant Premises for Employment
CI1	Provision of Leisure Facilities for Children and Young People
CI2	Provision of Sports Facilities
CI3	Provision of a Children's Centre, Land off Francis Road
CI4	Provision of Additional Care Facilities, Land off Church Road
E1	Protection and Maintenance of Local Green Spaces
TO1	Protection of Tourist Accommodation
FD1	Minimising the Impact of Flooding from Development

### 4.0 Other Key Plans and Strategies

- 4.1 Regulation 102 of the Habitats Regulations 2010 requires an appropriate assessment where a land use plan (not directly connected with or necessary to the management of the site) is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. In addition, in accordance with the Neighbourhood Planning Regulation 2012 a NDP cannot have a significant effect on any European Site whether alone or in combination with another plan.
- 4.2 A range of other plans and strategies were taken into account during the preparation of the Core Strategy including national, regional and local policy, guidance and plans. When assessing the impact of the Kessingland Neighbourhood Plan policies on European sites, their cumulative effect in combination with these additional strategies and plans needs to be taken into account.

- 4.3 Two Shoreline Management Plans cover the stretch of coastline from Kelling in North Norfolk to Felixstowe in South Suffolk. A policy of 'no active intervention' or 'managed realignment' is proposed for several parts of the shoreline, including from Kessingland to Easton Bavents. Coastal erosion will have particular implications for the Benacre to Easton Bavents SPA and SAC. It is not considered that the Kessingland Neighbourhood Plan policies will alter, increase or exacerbate the impact of coastal erosion on these sites in combination with the Shoreline Management Plans.
- 4.4 Although the East of England Plan (2008) has now been revoked the level of development set out in the adopted Core Strategy is directly attributable to this Plan. A Habitats Regulations assessment was prepared for the East of England Plan and this tested the level of growth for the region including the Lowestoft. The Habitats Regulations screening report concluded that there would be no significant impact on the integrity of European sites from the Plan itself or for 'in combination' effects in the Lowestoft area.
- 4.5 The Draft Kessingland Neighbourhood Plan policies are in conformity with the Core Strategy, interpreting these at a local level. A number of key aspects of the Core Strategy originated from the East of England Plan and were assessed in consultation with Natural England as having no impact on European sites (for example, the total amount of housing and job growth and the identification of Lowestoft as a focus for regeneration and development). The Draft Kessingland Neighbourhood Plan will provide locally specific, criteria based policy guidance for site allocations and the determination of planning applications, which will help implement the aims of the Core Strategy. Strategic Environmental Assessment has been carried out to appraise the sustainability of the Plan against a range of environmental issues to determine the likely impact for environmentally sensitive sites and wider environmental concerns.
- 4.6 The allocation of 105 new dwellings could have implications for recreational disturbance to the wildlife interests of the beach, namely the Pakefield to Easton Bavents SSSI, and the Benacre to Easton Bavents SAC. While the location of the proposed new development is a fair walking distance away from the SAC/SPA, it is known that people will travel up to 8km from home by car for regular dog walks. However, this does not mean that Kessingland cannot accommodate additional development. The number visits that result from the development may represent a small additional increase overall that could be overcome with appropriate mitigation measures.
- 4.7 In conclusion, it is not considered that the Draft Kessingland Neighbourhood Plan policies will have any significant effect on any European site in combination with the plans and strategies of the local authority provided that there is a project specific HRA identifying mitigation measures for each of the housing allocations.

**5. Assessment of likely effect of the Kessingland Neighbourhood Plan on Natura 2000 sites**

**Table 3 Likely significant impacts of the Kessingland Neighbourhood Plan**

Policy	Assessment of potential impact on Natura 2000 sites	Natura 2000 sites that could possibly be affected by SPD	Likely significant effect identified from Kessingland Neighbourhood Plan	AA needed?
PL1 Physical Limits Boundary	This policy expands on Core Strategy policy CS01 which sets out the strategic approach to distribution of new development in the District to 2021. The physical limits define the extent of the area where new development will be constrained apart from the site allocations that are subject of separate policy requirements. This policy will prevent any unplanned new development closer to any Natura 2000 sites which are located to the South of Kessingland. There will be no significant effects on Natura 2000 sites as a result of this policy.	All in table 1	None	No
H1 Affordable Housing	This is a policy that reiterates the Core Strategy policy commitment for the delivery of affordable housing including an opportunity to stipulate that the housing should be for local need. The policy will ensure that the affordable housing needs of Kessingland residents are met. Tenure of new housing will not have any direct impacts for Natura 2000 sites.	None	None	No

<p>H2 Residential Infill and Backland Development</p>	<p>This is a policy setting out the criteria to be used when considering applications for either infill or backland development. This is primarily a design policy to ensure that the character of the area and amenity of neighbours is preserved. It adds detail to policies contained in Waveney's Core Strategy relating to design of new development. There will be no direct effects for any Natura 2000 sites as a result of this policy.</p>	<p>None</p>	<p>None</p>	<p>No</p>
<p>SA1 Former Ashley Nurseries Site</p>	<p>A policy that allocates a site for 25 dwellings and 500m2 of employment floor space. A small scale development that will redevelop the site of a former garden centre located on the northern edge of the village and approx. 2km from the northern edge of the SAC and SPA site and approx. 700m from the coast. The size of this development in combination with development sites Policies SA2 and SA3 will not represent a significant increase in the total of proposed development for the Lowestoft area or District as a whole but may result in additional recreational pressure for the Easton Bavents SPA. Subject to appropriate mitigation measures the proposed development will not create any significant effect for Natura 2000 sites.</p>	<p>All in Table 1</p>	<p>None</p>	<p>No</p>
<p>SA2 Land at Laurel Farm West and South</p>	<p>A site allocated for housing totalling 55 units to be used as a mechanism to deliver a playing field extension identified in Waveney's Site Allocations DPD. The size of the development in combination with development sites Policies SA1 and SA3 will represent an insignificant increase in the total of proposed development for the Lowestoft area or District as a whole but may result in additional recreational pressure for the Easton Bavents SPA. Subject to appropriate mitigation measures the proposed development will not create any significant effect for Natura 2000 sites.</p>	<p>All in Table 1</p>	<p>None</p>	<p>No</p>
<p>SA3 Land at Laurel Farm East</p>	<p>A policy that allocates land area for approximately 25 affordable houses and including provision of open space and footpath and cycle links. The size of the development in combination with policies SA2 and SA1 will represent an insignificant increase in the total of proposed development for the Lowestoft area but may result in additional recreational pressure for the Easton Bavents SPA. Subject to appropriate mitigation measures the proposed development will not create any significant effect for Natura 2000 sites.</p>	<p>All in Table 1</p>	<p>None</p>	<p>No</p>

<p>TM1 Parking Standards for New Residential Development</p>	<p>Parking standards are set out for new development in this policy. This is an additional policy to implement tighter control for the level of parking new development will provide. There will be no direct effects for any Natural 2000 sites as a result of this policy.</p>	<p>None</p>	<p>None</p>	<p>No</p>
<p>TM2 Design of Estate Roads and Parking Courts</p>	<p>This policy aims to prevent poorly designed roads and car parking courts. A policy to more tightly control estate layout. This policy will have no direct effects for any Natura 2000 sites.</p>	<p>None</p>	<p>None</p>	<p>No</p>
<p>BE1 Protection of Existing Commercial Premises or Land</p>	<p>This policy attempts to prevent the loss of commercial premises or land to other uses that are not employment related. It applies to existing buildings and land in existing uses. This policy will not therefore have a direct or significant effect on any Natura 2000 sites.</p>	<p>None</p>	<p>None</p>	<p>No</p>
<p>BE2 Conversion of Vacant Premises for Employment</p>	<p>This policy supports the conversion of existing commercial units to other employment uses subject to adequate parking and impact on neighbours. As the policy relates to existing rather than new premises and is likely to be for a limited amount of property no significant effects to Natura 2000 sites have been identified as a result of this policy.</p>	<p>All in Table 1</p>	<p>None</p>	<p>No</p>

<p>C11 Provision of Leisure Facilities for Children and Young People</p>	<p>This policy supports any proposals for new leisure facilities for young people and requires that new residential development should contribute towards or provide facilities to address local need. The provision of new play equipment and facilities for the existing and future community of the scale anticipated will not have any significant effect on Natura 2000 sites.</p>	<p>All in Table 1</p>	<p>None</p>	<p>No</p>
<p>C12 Provision of Sports Facilities</p>	<p>A policy that encourages the provision of new and improved sports pitches and facilities and is linked to Policy SA2 of the NDP that will enable delivery of the sports pitch extension and associated facilities identified in the Waveney Core Strategy. The playing field extension will be located to the north of the village approx. 1.8km from the SAC and SPA and 700m from the coastal SPA. This policy will not have any significant effect for Natura 2000 sites.</p>	<p>All in Table 1</p>	<p>None</p>	<p>No</p>
<p>C13 Provision of a Children's Centre, Land off Francis Road</p>	<p>A site that has been identified to provide a children's centre. A small facility to provide facilities currently unavailable in the parish but subject to an appropriate level of car parking and consideration of neighbour amenity. To be located on former tennis courts adjacent to the northern edge of the built up area. No significant effects to Natura 2000 sites have been identified as a result of this policy.</p>	<p>All in Table 1</p>	<p>None</p>	<p>No</p>
<p>C14 Provision of Additional Care Facilities, Land off Church Road</p>	<p>Policy CI4 identifies an existing care home that is considered suitable for additional development of care facilities subject to appropriate conditions relating to car parking, design and landscaping. This site is approx. 1.5km from the northern extent of the SPA and SAC and 1km from the coastal SPA. This is a small site and potential scale of development that will have no significant effects for any Natura 2000 site.</p>	<p>All in Table 1</p>	<p>None</p>	<p>No</p>



<p>E1 Protection and Maintenance of Local Green Spaces</p>	<p>The NDP policy identifies areas of existing open space and other areas of amenity green space within Kessingland that should be protected from development. There will be no significant effects to Natura 2000 sites as a result of this policy.</p>	<p>None</p>	<p>No</p>	<p>No</p>
<p>TO1 Protection of Tourist Accommodation</p>	<p>The proposals map identifies an area where tourist accommodation will be protected. The policy aims to ensure there is no loss of existing tourist accommodation to other forms of residential use. This policy protects an existing use and does not include any intensification of use therefore there will be no additional effects from this use in this area for any Natura 2000 site.</p>	<p>All in Table 1</p>	<p>None</p>	<p>No</p>
<p>FD1 Minimising the Impact of Flooding from Development</p>	<p>This policy aims to ensure that proposed new development has appropriate consideration of flood risk and surface water drainage. This will ensure that mitigation and attenuation measures are in place as part of new development and will prevent any impacts for the wider environment through flooding. There will be no significant effects to Natura 2000 sites as a result of this policy.</p>	<p>All in Table 1</p>	<p>None</p>	<p>No</p>

## **6.0 Summary and conclusions**

- 6.1 The Kessingland Neighbourhood Plan will provide guidance to developers and landowners for the implementation of the policies contained in the Waveney Core Strategy. It includes locally specific criteria based policies to be used for the determination of planning applications within the Kessingland Neighbourhood Plan area and site allocations for small scale development of housing, employment, care home extension and a children's centre.
- 6.2 The Kessingland Neighbourhood Plan will not significantly add to or change the policies in the Waveney Core Strategy.
- 6.3 The Core Strategy was assessed for effects on Natura 2000 sites and the screening report concluded that the whole plan proposal would not have any significant effects and full assessment was not required. Although visitor numbers to the Easton Bavents SPA could increase as a result of the proposed development of sites to the north of Kessingland it is concluded that both individually and cumulatively the policies and the small amount of additional development proposed in the Kessingland Neighbourhood Plan is unlikely to have any significant effects on any Natura 2000 sites. Although a full assessment is unlikely to be required, as a precautionary approach, as each site allocated in the Kessingland Neighbourhood Plan comes forward for development a site specific Habitats Screening Report should be undertaken as part of the planning application.

### **List of abbreviations**

GB	Great Britain
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest

### **Sources of background information**

- Natura 2000 Standard Data Forms and Information Sheets on Ramsar Wetlands, at [www.jncc.gov.uk](http://www.jncc.gov.uk) - Details of protected sites.