



# Habitats Regulations Screening Statement

## Pre- Submission Melton Neighbourhood Plan

November 2016



# Neighbourhood Plan



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## **1.0 Introduction**

- 1.1 This report presents the results of a draft screening process to determine whether the Pre-Submission Melton 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. The initial screening was undertaken by Suffolk Coastal District Council and was subject to a five week consultation with statutory consultees.
  - 1.2 The Melton Neighbourhood Plan is a site allocations document the remit of which is to implement relevant policies and proposals in the Suffolk Coastal District Local Plan - Core Strategy and Development Management Policies (adopted July 2013) insofar as they relate to the Melton neighbourhood plan area and any other specific policy matters the community wish to plan for. The Core Strategy was subject to strategic level Appropriate Assessment which concluded that without mitigation there would be a significant effect on Natura 2000 sites, alone and in combination with other plans. The AA identified recreational disturbance particularly from dog walkers as the main significant effect. Potential impacts were identified in relation to new housing provision within 1km of a designated site and to increased levels of recreational activity within 8km. The Pre-Submission Neighbourhood Plan differs from earlier drafts in that it now includes an additional housing allocation (MEL21).
  - 1.3 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.
  - 1.4 The requirement to undertake Habitats Regulation Assessment (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, Melton 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.
  - 1.5 As the Pre Submission Melton Neighbourhood Plan is not directly connected with the management of any European sites, and includes proposals for development which may effect 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.
  - 1.6 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.

1.7 This screening report contains the results of Stage 1 in relation to the Pre-Submission Melton 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.

## 2.0 Natura 2000 sites covered by this screening report

2.1 Sites included in this assessment are listed in Table 1. This includes sites that are close to the Melton Neighbourhood Plan area, but specifically within 8km of Wilford Bridge where new development is proposed.

**Table 1** (Information source: Extract: Habitats Regulations Assessment February 2016 undertaken for SCDC by The Landscape Partnership for the Site Allocations and Area Specific Policies Document)

<b>1.</b>	<p><b>Sandlings Special Protection Area</b></p> <p>The Sandlings is a series of SSSI heathlands with habitats including acid grassland and heather dominated plant communities. Lack of management in past years, along with the conversion to commercial conifer plantations and arable cultivation has resulted in remnants of heath that have been threatened with successional changes and bracken invasion. Recent initiatives are working towards restoration of the heathland habitats.</p> <p>The Sandlings qualifies as an SPA under Article 4.1 of the Birds Directive due to the presence of Woodlark <i>Lullula arborea</i> and Nightjar <i>Caprimulgus europaeus</i> during the breeding season, both are species of European importance and listed in Annex 1 of the Directive. The Sandlings supports at least 3.2% of the GB breeding population of Nightjar and at least 10.3% of the GB breeding population of Woodlark</p>
<b>2.</b>	<p><b>Staverton Park and the Thicks SAC</b></p> <p>The site is representative of old acidophilous oak woods in the eastern part of its range, and its ancient oaks <i>Quercus spp.</i> have rich invertebrate and epiphytic lichen assemblages. Despite being in the most 'continental' part of southern Britain, the epiphytic lichen flora of this site includes rare and Atlantic species, such as <i>Haemotomma elatinum</i>, <i>Lecidea cinnabarina</i>, <i>Thelotrema lepadinum</i>, <i>Graphis elegans</i> and <i>Stenocybe septate</i>. Part of the site includes an area of old holly <i>Ilex aquifolium</i> trees that are probably the largest in Britain. The site has a very well-documented history and good conservation of woodland structure and function.</p>

<b>3.</b>	<b>Deben Estuary SPA/ Ramsar / Inshore SPA with Marine Components</b>
	<p>The Deben Estuary is designated as SPA and Ramsar site. The estuary supports a highly complex mosaic of habitat types including mudflats, lower and upper saltmarsh, swamp and scrub. The composition of the mosaic varies with the substrate, frequency and duration of tidal inundation, exposure, location and management.</p> <p>The SPA designation is based on large numbers of wintering Avocet and Dark-Bellied Brent geese, whereas the Ramsar designation also includes a wider range of migrating and wintering birds, flora, and fauna including the rare snail <i>Vertigo angustior</i>.</p>
<b>4.</b>	<b>Outer Thames Estuary Inshore SPA with Marine Components</b>
	<p>This SPA is entirely marine and is designated because its habitats support 38% of the Great British population of over-wintering Red-throated Diver <i>Gavia stellata</i> a qualifying species under Article 4.1 of the Birds Directive. The Outer Thames Estuary SPA covers vast areas of marine habitat off the east coast between Caister-on-Sea, Norfolk in the north, down to Margate, Kent in the south. The habitats covered by the SPA include marine areas and sea inlets where Red-throated Diver is particularly susceptible to noise and visual disturbance e.g. from wind farms and coastal recreation activities. Threats from effluent discharge, oil spillages and entanglement/drowning in fishing nets are significant.</p>

The scale and location of the proposed development within the Melton Neighbourhood Plan is such that no sites elsewhere in the District need be considered.

### **3.0 Pre-Submission Melton Neighbourhood Plan**

- 3.1 Melton Parish Council is producing a Neighbourhood Development Plan for the Melton Parish, in order to set out the vision, objectives and policies for the development of the parish up to 2031. This HRA reviews the Pre-Submission Neighbourhood Plan dated June 2016.
- 3.2 The Pre Submission Neighbourhood Plan includes a range of site and area specific policies covering the Melton Neighbourhood Plan area. Policies are concentrated around the main built areas of Melton village and that part of Melton which falls within the greater Woodbridge area (defined under Core Strategy policy SP26 Woodbridge). Many of the policies replace policies from the old Suffolk Coastal Local Plan and in that sense re-confirm earlier designations such as those for existing employment sites and open space provision. There are a number of new policies including one for additional housing provision. Not included as a policy within the plan, but referred to in the text is a development for 180 new homes at Woods Lane. At the time the plan was drafted, this application was allowed on appeal, but is linked to a separate legal challenge. The initial screening assessment was mindful of this development should it go ahead. It is now confirmed that the development at Woods Lane can go ahead.
- 3.3 The 21 policies in the Pre-Submission Melton Neighbourhood Plan are listed in the Table 2 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 Neighbourhood Plan Policies**

MEL1	Physical Limits Boundary
MEL2	Dedicated provision for cyclists and pedestrians
MEL3	Views from footpaths and cyclepaths
MEL4	Bus and community transport provision
MEL5	Proposals to provide new bicycle racks and provision for cyclists at Melton railway station will be strongly supported
MEL6	Parking standards
MEL7	Land opposite McColls convenience store, The Street
MEL8	Retention of community facilities
MEL9	Provision of community facilities at the playing fields
MEL10	Provision of allotments, community orchard and a community farm/education facility
MEL11	Special landscape areas
MEL12	Protection and maintenance of local green spaces
MEL13	Protection of trees and rural character
MEL14	Retention of riverside qualities
MEL15	Residential boats
MEL16	Melton conservation area
MEL17	Areas to be protected from development
MEL18	Character areas
MEL19	General employment areas
MEL20	Deben Mill
MEL21	Land off Wilford Bridge Road

#### **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 As noted in the introduction, the other key plan is the Suffolk Coastal District Local Plan – Core Strategy and Development Management Policies. This document sets out the broad scale and distribution of development across the whole Suffolk Coastal district. It was adopted in July 2013 and was subject to a strategic level appropriate assessment. It is the role of each of the site allocations documents to implement the policies and development strategy in the Core Strategy, insofar as they apply to their plan areas.
- 4.5 The Pre-Submission Melton Neighbourhood Plan policies are broadly in conformity with the Core Strategy, interpreting these at a local level. The policies contained in the Pre-Submission Melton Neighbourhood Plan are proposed to provide locally specific, criteria based policy guidance for site allocations and the determination of planning applications.
- 4.6 The allocation of 55 new dwellings and improvements to the local foot and cycle network could have implications for recreational disturbance to the wildlife interests of the Deben Estuary. An existing public footpath borders the site providing direct access to the estuary. The re-location of the

community farm with its associated after school and holiday club to the Wilford Bridge area could result in this area becoming a destination in its own right when viewed in conjunction with existing facilities namely the train station, the Melton Riverside amenity area and the PH. Whilst it is accepted that the Deben Estuary to the south of Wilford Bridge is well used and therefore already subject to a certain level of disturbance, the estuary area to the north of Wilford Bridge is much quieter. However, this does not necessarily mean that Melton cannot accommodate additional development. The actual impact would require further assessment and where appropriate the identification of specific mitigation measures.

- 4.7 The initial conclusion of Suffolk Coastal District Council that the Pre-Submission Melton Neighbourhood Plan policies could potentially result significant effect on any European site and that therefore further assessment work is required is confirmed following consultation with Natural England (NE) who state:

*“Overall we agree with the conclusion that further work is needed. It looks like there is a lot of potential to provide/enhance recreational facilities in the area, and I think it just needs a look at how different areas might function together, and whether or not there might be particular hot spots or busy areas close to the estuary. If so, then monitoring, interpretation etc., could be used to mitigate potential impacts. There is also scope to integrate with the developing recreational disturbance mitigation and monitoring strategy.”*

NE specific comments have been incorporated into the assessment below.

## 5. Assessment of likely effect of the Melton Neighbourhood Plan on Natura 2000 sites

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

Policy	Assessment of potential impact on Natura 2000 sites	Natura 2000 sites that could possibly be affected by NPD	Likely significant effect identified from Melton Neighbourhood Plan	AA needed?
MEL1 Physical limits boundary	<p>This policy expands on Core Strategy policy SP19. The physical limits define the extent of the area where new development will be directed apart from the site allocation identified under policy MEL21. Outside of this line, development will be limited to that permitted under Core Strategy policy SP29 and DM3.</p> <p>This policy will restrict any unplanned new development closer to any Natura 2000 sites identified in Table 1. There will be no significant effects on Natura 2000 sites as a result of this policy. This is however a policy directly related to the supply of housing and includes the additional housing proposed under policy MEL21.</p>	Deben Estuary	None	No

MEL2 Dedicated provision for cyclists and pedestrians	This policy looks to provide a network of dedicated foot and cycle paths in and around Melton village including west from Hall Farm Road to Bredfield Road which would link it with the existing foot/cycle path along the A12. This policy therefore has the potential on its own and in combination of encouraging access to the Deben Estuary SPA. Natural England agree there is a potential impact, but further advise that the impacts of increased population in the Core Strategy did not look into the detail of specific areas and any changes to the local infrastructure. This issue should therefore be taken forward to AA stage.	All in table 1	Potential in combination effect	Yes
MEL3 Views from footpaths and cycle paths	This policy seeks to protect existing views of the Deben estuary and the AONB from built development. There will be no direct effects for any Natura 2000 sites as a result of this policy.	None	None	No
MEL4 Bus and community transport provision	This policy supports the provision of new bus shelters, bus stops and information along existing bus routes. The policy does not influence the frequency of bus services and as such there will be no direct effects for any Natura 2000 sites as a result.	None	None	No
MEL5 Melton railway station	This policy supports the provision of new bicycle racks and provision for cyclists at Melton railway station. The provision of improved facilities may encourage additional trips by bicycle to this area by people using the train. Whilst the policy is not considered likely to have a significant effect on any Natura site on its own, it may have an in-combination effect with other policies which encourage visitors to this part of Melton which has direct public access to the Deben Estuary. Natural England confirm that it would be helpful to consider the in combination impact of encouraging recreational activities from Melton Station.	All in Table 1	Potential in-combination effect	Yes

MEL6 Parking standards	This policy sets parking standards associated with new housing provision. There will be no direct effects for any Natura 2000 sites as a result of this policy.	None	None	No
MEL7 Land opposite McColls convenience store, The Street	This policy is for additional parking spaces, associated seating and landscaping within the centre of Melton village. The land is already used informally for car parking associated with shops and other facilities in the village centre. It is unlikely that the policy will result in an overall increase in available parking space and as such the policy will not have a direct effect for any Natura 2000 sites.	None	None	No
MEL8 Retention of community facilities	This policy seeks the retention of existing community facilities or the provision of equivalent or improved provision provided it would not result in significant harmful impacts on roads, parking or residential amenity. The policy will not have a direct effect for any Natura 2000 sites.	None	None	No
MEL9 Provision of community facilities a the playing field Melton Road	This policy supports the provision of a replacement village hall at the playing fields. It is to be expected that such a facility would provide associated parking provision which would be available for the public outside of the time the village hall is in use. The proposal is for a replacement facility and use of the playing fields already results in significant on-street parking. The Deben estuary is readily accessible from this location. This policy while unlikely to have a significant effect on its own could have an in-combination effect resulting in a cumulative impact on the Deben estuary. Natural England agree that it would be helpful to consider the potential impact of developing the parking capacity of this area.	Deben estuary	Potential in-combination effect	Yes

<p>MEL10 Provision of allotments, community orchard and a community farm/ educational facility</p>	<p>This policy looks to provide additional allotments, community orchard and community farm. Land off Saddlemakers Lane has been identified for the allotments and community orchard. This is away from the Deben estuary. The community farm and holiday club are proposed on land off Wilford Bridge in association with new housing provision under policy MEL21. The re-location of this facility and the stated intention of re-locating and expanding this facility for the benefit of the community as a whole in such close proximity to the Deben estuary (within 500m) has the potential to have a direct impact on the Natura 2000 site. In particular, it is located close to the railway station and Melton riverside a small park area on the banks of the estuary, and the Wilford Bridge PH with the potential to make this a visitor destination in its own right. It is also part of a mixed use development which would provide for new housing in this location. The Deben estuary to the north of Wilford Bridge has a generally quieter and less disturbed character than that to the south which is more intensively used given the location of Melton riverside amenity area. This policy therefore has the potential on its own and in combination to have a direct impact on the Deben estuary. Natural England agree that there is a potential effect.</p>	<p>Deben Estuary</p>	<p>Potential significant in combination effect</p>	<p>Yes</p>
<p>MEL11 Special Landscape Areas</p>	<p>This policy re-confirms the boundary of the special landscape area designation from the old Suffolk Coastal Local Plan, giving effect to Core Strategy policy SP15 excepting where it has been removed from land allocated in policy MEL21. The Core Strategy policy has already been subject to HRA. This policy will not have any significant effect on Natura 2000 sites.</p>	<p>Deben Estuary</p>	<p>None</p>	<p>No</p>
<p>MEL12 Protection and enhancement of local green spaces</p>	<p>This policy safeguards existing areas of open space to which the public have access. These provide alternative areas recreation areas to the Natura 2000 sites. The retention of these areas will have a beneficial impact on the Natura 2000 sites. Natural England agree that there is a positive effect from the open space policy.</p>	<p>All in Table 1</p>	<p>None</p>	<p>No</p>

MEL13 Protection of trees and rural character	This policy replaces a policy from the old Suffolk Coastal Local Plan. It protects the character of an identified area of land, much of which is amenity land to which the public have access. It provides an alternative recreation area to the Natura 2000 sites, particularly for daily dog walking. No significant effects to Natura 2000 sites have been identified as a result of this policy.	All in Table 1	None	No
MEL14 Retention of riverside qualities	This policy recognises that different areas along the riverside have different qualities and are subject to different levels of development and activity. It looks to safeguard the riverside quality of this lesser developed area. There will be no significant effects to Natura 2000 sites as a result of this policy.	Deben estuary	None	No
MEL15 Residential boats	This policy restricts the provision of new residential moorings. There will be no significant effects to Natura 2000 sites as a result of this policy.	None	None	No
MEL16 Melton conservation area	This policy is designed to protect the character of the conservation area. There will be no significant effect to Natura 2000 sites as a result of this policy.	None	None	No

MEL17 Areas to be protected from development	This policy implements core strategy policy SP15. It identifies small areas of land which are important in their undeveloped form to the setting or character of a town or village. There will be no significant effects to Natura 2000 sites as a result of this policy.	None	None	No
MEL18 Character areas	This is a design type policy which looks to safeguard the character of different areas within the parish where new development is proposed. There will be no significant effects to Natura 2000 sites as a result of this policy.	None	None	No
MEL19 General employment areas	This policy re-confirms the status of an existing employment area. There will be no significant effects to Natura 2000 sites as a result of this policy.	None	None	No
MEL20 Deben Mill	This policy re-confirms the status of an existing employment area. There will be no significant effects to Natura 2000 sites as a result of this policy.	None	None	No

MEL21	<p>This policy is for a mixed use development on a 9.4ha of land off Wilford Bridge Road (supporting text refers to 9.7ha). Proposed uses include at least 9,000m<sup>2</sup> B1 floorspace; ancillary retail to support the B1 commercial development; approximately 55 homes; community uses including public green space, lake communal gardens; allotments/community growing space; childrens play area and potentially community farm and after school holiday club (See MEL10). Approximately half of the site is an existing employment area including Riduna Park which is in process of redevelopment. The remainder is currently countryside much of which is subject to a special landscape area designation under the old Suffolk Coastal Local Plan. The special landscape area as now proposed under policy MEL14 excludes land designated in MEL21. The whole site is within 500m of the Deben Estuary SPA. The housing provision is potentially additional to that identified for this area through the Core Strategy. A site for 180 homes in Woods Lane has been allowed on appeal, but is currently caught up in a separate legal challenge. A judgement is not expected before mid July 2016. As noted under policy MEL10, the introduction of community uses including a community farm in close proximity to the railway station, PH and Melton Riverside amenity area could make this a destination in its own right increasing visitor numbers to the estuary. The area identified for new housing would border a public right of way which provides direct access to the estuary. Whilst the area to the south of Wilford Bridge is currently well used, the character of the estuary to the north of the bridge is quieter in character. Natural England agrees that this policy needs further consideration alone and in combination with other policies.</p>	All in table 1 but particularly Deben Estuary	Potential significant impact on its own and in combination with other policies.	Yes
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## **6.0 Summary and conclusions**

- 6.1 The Pre Submission Melton Neighbourhood Plan will provide guidance to developers and landowners for the implementation of the policies contained in the Suffolk Coastal Core Strategy. It includes locally specific criteria based policies to be used for the determination of planning applications within the Melton Neighbourhood Plan area and site allocations for housing, parking, community facilities, employment and improved foot and cycle path provision.
- 6.2 The Melton Neighbourhood Plan will not significantly add to or change the policies in the Suffolk Coastal District Local Plan - Core Strategy and Development Management Policies Document. It does however provide for additional housing and a community facility within 500m of the Deben Estuary SPA served by improved foot and cycle links. There is potential for an in-combination effect of policies when considered in the context of other existing facilities to increase visitor numbers to each of the Natura sites listed in Table 1. Further work is required to identify more precisely the likely impact of additional resident population and visitors in this location and if necessary any appropriate mitigation measures.

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## **Sources of background information**

- Habitats Regulations Assessment for Suffolk Coastal District Council Proposed Submission Site Allocations and Area Specific Policies (February & March 2016)
- Appropriate Assessment for Modifications to Suffolk Coastal District Council Core Strategy and Development Management Policies June 2013 (Addendum to Appropriate Assessment November 2011)

## **APPENDIX 1 – Consultation Response - Natural England (email John Jackson)**

Hi Hillary,

Apologies for my delay, and thank you for consulting us on the Draft Habitat Regulations Screening Report to accompany the Pre-Submission Melton Neighbourhood Plan. I think this clearly and succinctly sets out the context and issues. In terms of the individual policies, our comments are as follows;

MEL 2 - Cyclist and pedestrian provision - We agree that this policy has the potential to encourage access to the SPA and although the impacts of increased population is assessed in the Core Strategy HRA, this didn't look into the detail of specific areas, and any changes to the local infrastructure. So, we would advise that this issue is taken forward to AA stage.

MEL 5 – Melton Railway station - We agree that it would be helpful to consider the in combination impact of encouraging recreational activities from Melton station

MEL9 - Melton Road playing field – agree it would be helpful to consider the potential impact of developing the parking capacity of this area.

MEL 10 - agree potential effect

MEL 12 – Agree there is a positive effect from the open space policy.

MEL 21- agree this needs further consideration alone and in combination.

Overall, we agree with the conclusion that further work is needed. It looks like there is a lot of potential to provide/enhance recreational facilities in the area, and I think it just needs a look at how the different areas might function together, and whether or not there might be particular hot spots or busy areas close to the estuary. If so, then monitoring, interpretation, etc., could be used to mitigate potential impacts. There is also scope to integrate with the developing recreational disturbance mitigation and monitoring strategy.

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