



Habitats Regulations Assessment Screening Statement

Mutford Neighbourhood Plan

June 2019

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1. Introduction

1.1 The European Habitats Directive¹ and Wild Birds Directive² provide protection for sites that are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species. The network consists of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Both types can also be referred to as European Sites. The National Planning Policy Framework (NPPF) also states that Ramsar sites should be afforded the same level of protection as the European sites.

1.2 The requirement to undertake Habitats Regulation Assessment (HRA) of development plans is set out in the Conservation of Habitats and Species Regulations (2017) (as amended). It is also a requirement of Regulation 32 schedule 2 of the Neighbourhood Planning Regulations 2012 (as amended). In order to proceed to referendum a Neighbourhood Plan must meet a series of ‘basic conditions’, which include that it does not breach, and is otherwise compatible with, EU obligations.

1.3 Regulation 105 of the Conservation of Habitats and Species Regulations (2017) states:

‘Where a land use plan:

- (a) Is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
 - (b) Is not directly connected with or necessary to the management of the site,
- The plan-making authority for that plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site’s conservation objectives.’

1.4 The HRA is therefore 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. The screening assessment must reflect the outcomes of the 2018 judgement of the Court of Justice of the European Union³, which has ruled that where

¹ 92/43/EEC

² 2009/147/EEC

³ C-323/17 – People over Wind, Peter Sweetman v Coillte Teoranta

mitigation is necessary this must be identified through an Appropriate Assessment.

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.

- 1.5 The Mutford Neighbourhood Plan is being produced by Mutford Parish Council. The Neighbourhood Plan has been submitted to East Suffolk Council and this screening assessment considers whether there are likely significant effects on protected European sites and whether a full Appropriate Assessment will be required.
- 1.6 The Mutford Neighbourhood Plan will need to be in general conformity with the strategic policies of the Local Plan. The adopted Local Plan is currently the East Suffolk Council Waveney Local Plan (2019) (referred to as the Local Plan for the purposes of this document). The Mutford Neighbourhood Plan has been developed within the context of the Local Plan.
- 1.7 The Local Plan was subject to Habitats Regulations Assessment as part of its production (see appendix 1). Where screening identified a likely significant effect, an Appropriate Assessment was undertaken and mitigation measures identified were incorporated within the Local Plan, resulting in a conclusion that the local plan will not lead to any adverse effects on European wildlife sites within and in the vicinity of the (then) Waveney District. Significant effects were identified in relation to recreation (including dog walking), air quality and biodiversity net gain. The Council has subsequently undertaken to produce a Recreational Avoidance and Mitigation Strategy and requires payment towards mitigation from residential developments within 13km of the protected European sites.
- 1.8 This screening report contains the results of Stage 1 (above) in relation to the Mutford Neighbourhood Plan. Stages 2 and 3 are only required if the screening stage concludes that there is likely to be a significant impact on a European site. The initial

screening has been undertaken by East Suffolk Council and is subject to a five week consultation with Natural England as a statutory consultee.

2. Protected sites covered by this screening report

2.1 Sites included in this assessment are listed in Table 1 below. This includes all sites that are within 20km of the Mutford Neighbourhood Plan area (for consistency with the distances applied within the HRA of the Local Plan and adopting the precautionary approach). The locations of the sites are shown on maps in Appendix 2 and the Qualifying Features and Conservation Objectives of the sites are contained in Appendix 3, along with a summary of the pressures and threats as documented in the Appropriate Assessment for the Local Plan.

Table 1: Relevant European protected sites

Name
The Broads SAC
Benacre to Easton Bavents SAC
Benacre to Easton Bavents Lagoons SAC
Minsmere to Walberswick Heaths and Marshes SAC
Dews Ponds SAC
Broadland SPA
Benacre to Easton Bavents SPA
Outer Thames Estuary SPA
Minsmere-Walberswick SPA
Broadland Ramsar
Minsmere-Walberswick Ramsar

3. Mutford Neighbourhood Plan

3.1 Mutford Parish Council is producing a Neighbourhood Plan for Mutford, in order to set out the vision, objectives and policies for the development of the parish up to 2036, within the context of the Local Plan. This Habitats Regulations Assessment screening assessment reviews the Mutford Neighbourhood Plan (Submission Version v2).

3.2 The Neighbourhood Plan includes a range of policies covering the Mutford Neighbourhood Plan area. A number of polices relate to the full Neighbourhood Plan

area whilst others are area/location specific. The Neighbourhood Plan does not allocate specific sites for development.

- 3.3 The policies in the Mutford Neighbourhood Plan are listed in Table 2 below. An assessment of whether each policy is likely to have a significant effect on European protected sites is included in section 5 of this report.

Table 2: List of Neighbourhood Plan policies

MNP.1	Rural Identity
MNP.2	Conserving the setting of the church
MNP.3	Dark skies
MNP.4	Housing density
MNP.5	Infill development within the settlement boundaries
MNP.6	Backland development within the settlement boundaries
MNP.7	Backland development and street frontage
MNP.8	Off-road parking
MNP.9	Rural tourism accommodation
MNP.10	Rural business

4. Other Plans and Projects

- 4.1 Regulation 105 of the 2017 Regulations requires consideration to be given to whether a Plan will have an effect either alone or in combination with other plans or projects.
- 4.2 As noted in the introduction, the other key plan is the Local Plan. The Local Plan was adopted in March 2019. The Local Plan sets out the broad scale and distribution of development across the area of East Suffolk formerly covered by the Waveney District and has been subject to an Appropriate Assessment.

- 4.3 WLP1.1 states that 10% of housing growth covered by the Local Plan will take place in the rural areas. WLP7.1 Rural Settlement Hierarchy and Housing Growth in the Local Plan sets out the distribution of housing in the rural areas. Those villages defined as Larger Villages will receive 70% of rural housing growth in the rural areas. Those defined as Smaller Villages will receive 20% of the growth, with the final 10% coming from windfall development elsewhere across the rural areas. The Local Plan identifies Mutford as a Smaller Village. WLP7.13 Land North of Chapel Road, Mutford allocated land for approximately six dwellings. The Mutford Neighbourhood Plan does not propose any additional site allocations. The Mutford Neighbourhood Plan does include policies covering infill and backland development which will support the development of windfall allocations.
- 4.4 A screening process considered each policy in the Local Plan and concluded that significant effects were likely and that an Appropriate Assessment was needed. The Appropriate Assessment subsequently considered the following themes - recreation pressure from new residential development, air quality from increased road traffic and biodiversity net gain. Mitigation measures were identified within the Appropriate Assessment and were incorporated within the Local Plan, resulting in a conclusion that the plan will not lead to any significant adverse effects on European wildlife sites within and in the vicinity of the (then) Waveney District.
- 4.5 The Council has subsequently become involved in the production of a Recreational Avoidance and Mitigation Strategy and requires payment towards mitigation of significant effects from residential developments within 13km of the protected European sites.

5. Assessment of likely significant effects of the Mutford Neighbourhood Plan on European protected sites

- 5.1 Table 3 below considers each policy of the Mutford Neighbourhood Plan in relation to whether there is potential for a likely significant effect on protected European sites. This constitutes Stage 1 as set out under paragraph 1.4 above. Consideration is given to the characteristics and location of the protected sites. The policies are considered within the context of the Local Plan policies which they must be in general conformity with and which have themselves been subject to Habitats Regulations Assessment, as set out in section 4 above.

Table 3: Likely significant effects of the Mutford Neighbourhood Plan

Policy	Assessment of potential impact on Natura 2000 sites	Natura 2000 sites that could possibly be affected	Likely significant effect identified	AA needed?
MNP.1 Rural Identity	This policy provides locally specific criteria for the protection and enhancement of the rural landscape and biodiversity of Mutford. The policy reflects WLP8.34 Biodiversity and Geodiversity and WLP8.35 Landscape Character of the Local Plan. WLP8.34 was subject to the Habitats Regulations Assessment for the Local Plan and mitigation has been incorporated in the Local Plan where necessary. The Habitats Regulations Assessment did not identify any likely significant effects in relation to WLP8.34. This policy will, therefore, not result in any likely significant effects.	None	None	No
MNP.2 Conserving the Setting of the Church	This policy seeks to preserve the setting of the local church in Mutford as defined in the Neighbourhood Plan. This policy reflects WLP8.37 of the Local Plan and the Habitats Regulations Assessment for the Local Plan identified no likely significant effects from WLP8.37. MNP.2 will not result in likely significant effects.	None	None	No
MNP.3 Dark Skies	This policy provides area specific criteria to ensure future development protects the dark skies inherent to Mutford. This policy does not have any direct impacts on European sites and therefore no likely significant effects have been	None	None	No

	identified.			
MNP.4 Housing Density	This policy sets out maximum densities that future development can meet based on existing densities in Mutford. This policy reflects the criteria in WLP8.32 Housing Density and Design in the Local Plan which allows Neighbourhood Plans to determine their own densities based on local circumstances and the Habitats Regulations Assessment for the Local Plan identified no likely significant effects from WLP8.32. Therefore no likely significant effects have been identified for this policy.	None	None	No
MNP.5 Infill Development within Settlement Boundaries	This policy seeks to support infill development within the settlement boundary. The policy relates to WLP1.2 Settlement Boundaries of the Local Plan which seeks to concentrate development within settlement boundaries. The Habitats Regulations Assessment for the Local Plan did not identify any significant effects for WLP1.2. Therefore this policy will not result in any likely significant effects.	None	None	No
MNP.6 Backland Development within the Settlement Boundaries	This policy provides area specific criteria regarding backland development within the Mutford settlement boundaries and relates to WLP1.2 Settlement Boundaries of the Local Plan. The Habitats Regulations Assessment for the Local Plan did not identify any significant effects for WLP1.2. Therefore this policy will not result in any likely significant effects.	None	None	No
MNP.7 Backland	This policy seeks to protect buildings which	None	None	No

development and street frontage	contribute positively to existing street frontage from demolition for backland development. This policy has no direct impacts on European sites and therefore no likely significant effects have been identified.			
MNP.8 Off-road parking	This policy seeks to ensure that sufficient off-road parking is provided on new development. This policy has no direct impacts on European sites and therefore no likely significant effects have been identified.	None	None	No
MNP.9 Rural tourism accommodation	This policy determines when an existing building can be converted to tourist accommodation outside of the Mutford settlement boundaries. This policy relates to WLP8.15 New Self Catering Tourist Accommodation in the Local Plan. This policy includes some additional criteria to control the development of tourist accommodation and therefore no likely significant effects on European sites have been identified.	None	None	No
MNP.10 Rural business	This policy contains area specific criteria to determine when and where new small scale rural employment will be permitted. This policy reflects WLP8.13 New Employment Development in the Local Plan which was subject to Habitats Regulations Assessment and no significant effects were identified. Therefore this policy will not result in likely significant effects.	None	None	No

6. Summary and conclusions

- 6.1 The Mutford Neighbourhood Plan will provide policies which will be used for determining planning applications alongside the Local Plan. It includes policies with locally specific criteria to be used for the determination of planning applications within the Mutford Neighbourhood Plan area.
- 6.2 The Mutford Neighbourhood Plan has been prepared to be in general conformity with the relevant policies in the Local Plan and will not lead to likely significant effects on protected European sites.



Signed:

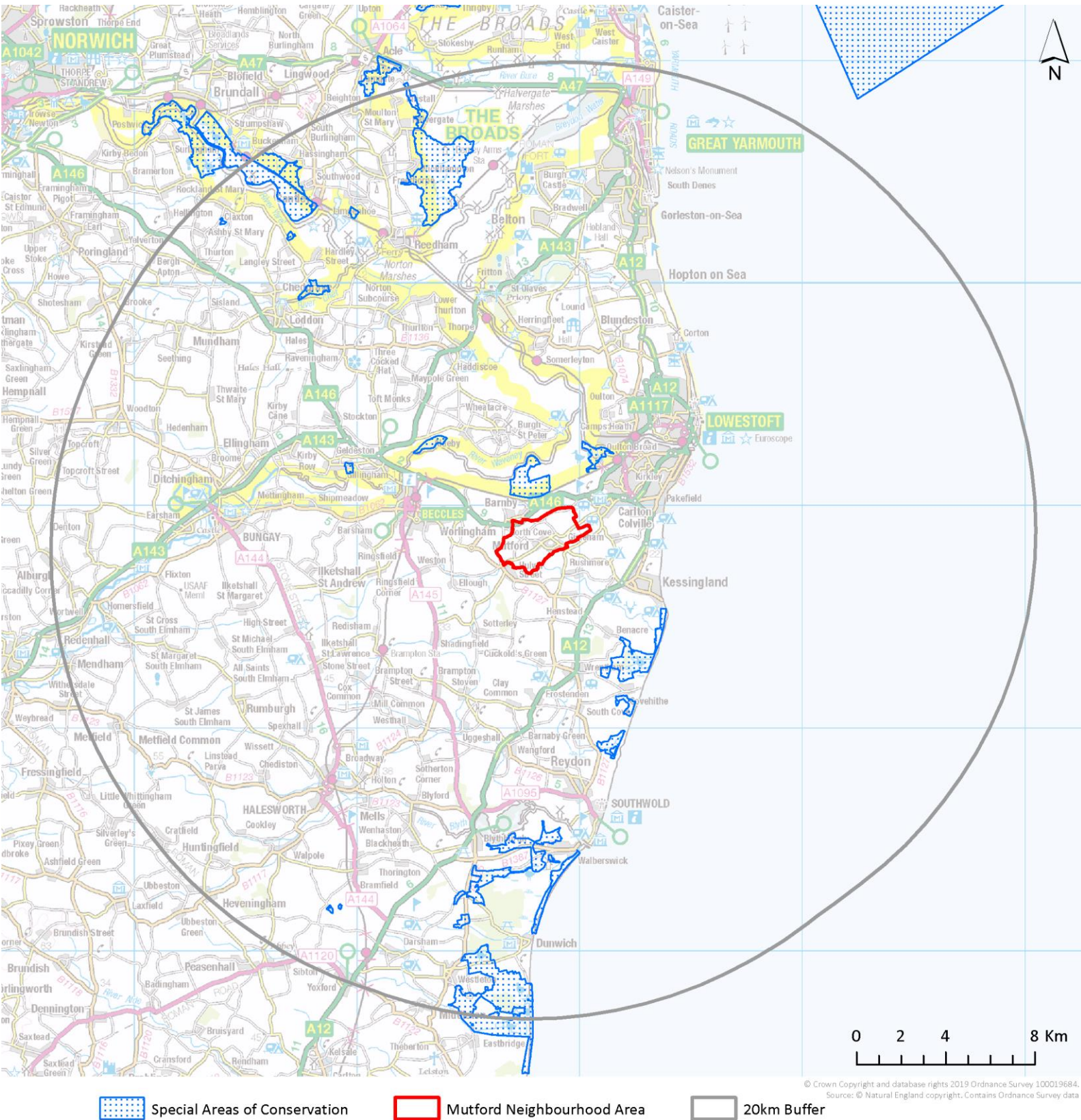
Dated: 24/06/2019

Desi Reed
Planning Policy and Delivery Manager
East Suffolk Council

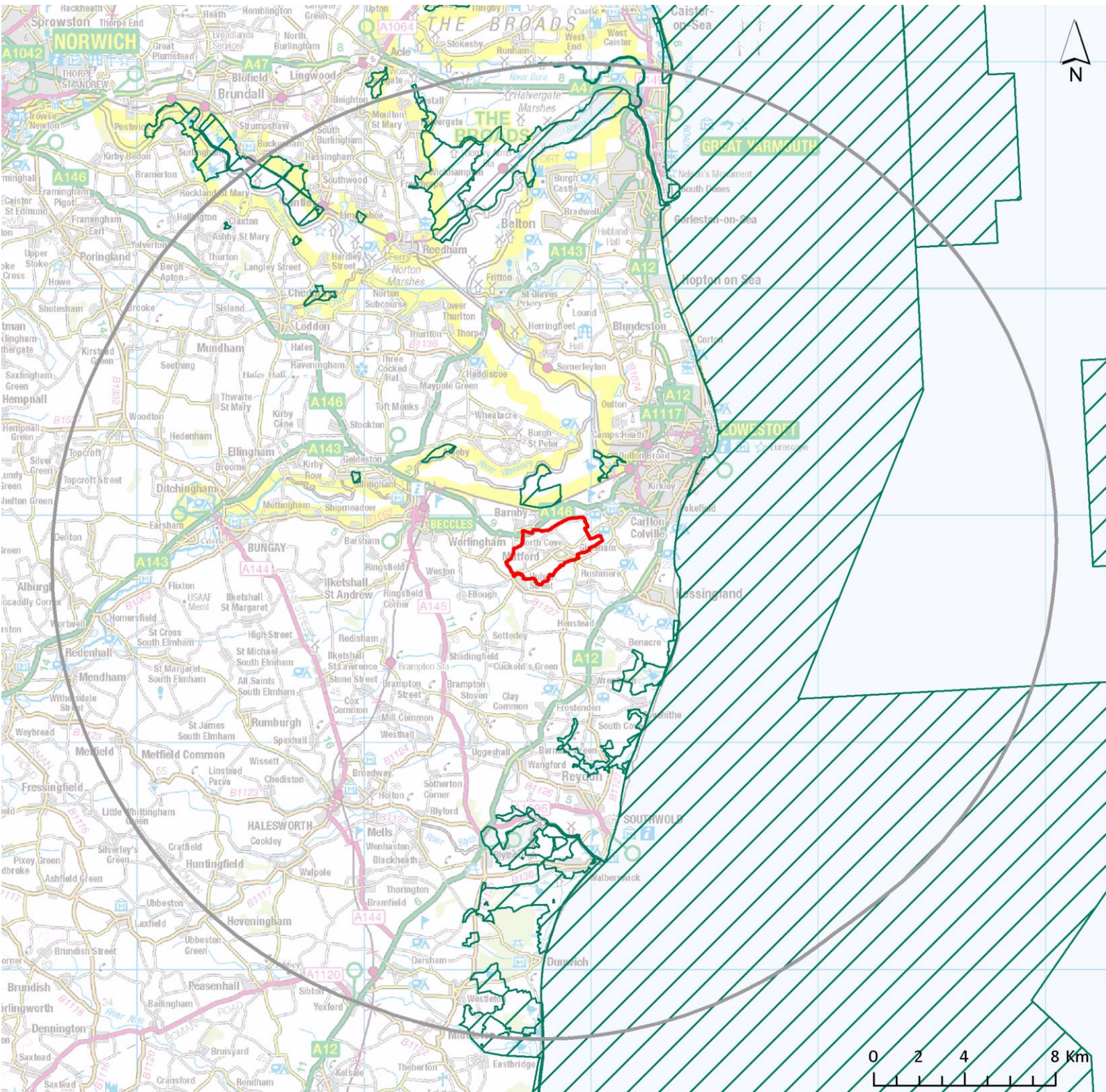
Appendix 1: Sources of background information

- Habitats Regulations Assessment of the Waveney Local Plan (December 2018)
(<http://www.eastsuffolk.gov.uk/planning/local-plans/waveney-local-plan/>)

Special Areas of Conservation



Special Protection Areas



 Special Protection Areas  Mutford Neighbourhood Area  20km Buffer

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Appendix 3: Relevant European protected sites

Name	Qualifying Features	Conservation Objectives	Pressure and threats (as summarised in the Habitats Regulations Assessment for the Suffolk Coastal Local Plan at Final Draft Plan Stage (December 2018))
Special Areas of Conservation			
The Broads	H7210# Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> S1016 <i>Vertigo moulinsiana</i> : Desmoulin's whorl snail H7230 Alkaline fens H6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) H91E0# Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) H7140 Transition mires and quaking bogs H3140 Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp H3150 Natural eutrophic lakes with <i>Magnopotamion</i> or <i>Hydrocharition</i> -type vegetation S1355 <i>Lutra lutra</i> : Otter S1903 <i>Liparis loeselii</i> : Fen orchid S4056 <i>Anisus vorticulus</i> : Little ramshorn whirlpool snail	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; The extent and distribution of qualifying natural habitats and habitats of qualifying species, The structure and function (including typical species) of qualifying natural habitats, The structure and function of the habitats of qualifying species, The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely, The populations of qualifying species, and, The distribution of qualifying species within the site.	Water pollution, climate change, invasive species, siltation, inappropriate water levels, hydrological changes, water abstraction, change in land management, inappropriate ditch management, inappropriate scrub control, changes in species distributions, public access/disturbance, undergrazing, drainage, direct impact from 3rd party
Benacre to	H1150# Coastal lagoons,	Ensure that the integrity of the site is	Public access/disturbance, water pollution,

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<p>Easton Bavents Lagoons</p>	<p>A195(B) <i>Sterna albifrons</i>: Little tern A021(B) <i>Botaurus stellaris</i>: Great bittern A081(B) <i>Circus aeruginosus</i>: Eurasian marsh harrier</p>	<p>maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; The extent and distribution of qualifying natural habitats, The structure and function (including typical species) of qualifying natural habitats, and, The supporting processes on which qualifying natural habitats rely.</p>	<p>physical modification, changes in species distributions, fisheries (marine and estuarine).</p>
<p>Minsmere to Walberswick Heaths and Marshes</p>	<p>H4030 European dry heaths H1210 Annual vegetation of drift lines H1220 Perennial vegetation of stony banks A052(B) <i>Anas crecca</i>: Eurasian teal A021(B) <i>Botaurus stellaris</i>: Great bittern A081(B) <i>Circus aeruginosus</i>: Eurasian marsh harrier A082(NB) <i>Circus cyaneus</i>: Hen harrier A224(B) <i>Caprimulgus europaeus</i>: European nightjar A056(B) <i>Anas clypeata</i>: Northern shoveler A056(NB) <i>Anas clypeata</i>: Northern shoveler A051(B) <i>Anas strepera</i>: Gadwall A051(NB) <i>Anas strepera</i>: Gadwall A132(B) <i>Recurvirostra avosetta</i>: Pied avocet A195(B) <i>Sterna albifrons</i>: Little tern A394(NB) <i>Anser albifrons albifrons</i>: Greater white-fronted goose</p>	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; The extent and distribution of qualifying natural habitats and habitats, The structure and function (including typical species) of qualifying natural habitats, and, The supporting processes on which qualifying natural habitats rely.</p>	<p>Coastal squeeze, public access/disturbance, changes in species distributions, invasive species, inappropriate pest control, air pollution, water pollution, deer, fisheries (commercial marine and estuarine)</p>
<p>Dew's Ponds</p>	<p>S1166 <i>Triturus cristatus</i>: Great crested</p>	<p>Ensure that the integrity of the site is</p>	<p>None identified</p>

	newt	<p>maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <p>The extent and distribution of the habitats of qualifying species,</p> <p>The structure and function of the habitats of qualifying species,</p> <p>The supporting processes on which the habitats of qualifying species rely,</p> <p>The populations of qualifying species, and,</p> <p>The distribution of qualifying species within the site.</p>	
Special Protection Areas			
Broadlands (also Ramsar site)	<p>H7210# Calcareous fens with Cladium mariscus and species of the Caricion davallianae</p> <p>S1016 Vertigo moulinsiana: Desmoulin`s whorl snail</p> <p>H7230 Alkaline fens</p> <p>H6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)</p> <p>H91E0# Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)</p> <p>H7140 Transition mires and quaking bogs</p> <p>H3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp</p> <p>H3150 Natural eutrophic lakes with Magnopotamion or Hydrocharition-type vegetation</p>	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <p>The extent and distribution of qualifying natural habitats and habitats of qualifying species,</p> <p>The structure and function (including typical species) of qualifying natural habitats,</p> <p>The structure and function of the habitats of qualifying species,</p> <p>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely,</p> <p>The populations of qualifying species, and,</p> <p>The distribution of qualifying species within the site.</p>	<p>Water pollution, climate change, invasive species, siltation, inappropriate water levels, hydrological changes, water abstraction, change in land management, inappropriate ditch management, inappropriate scrub control, changes in species distributions, public access/disturbance, undergrazing, drainage, direct impact from 3rd party</p>

	<p>S1355 <i>Lutra lutra</i>: Otter S1903 <i>Liparis loeselii</i>: Fen orchid S4056 <i>Anisus vorticulus</i>: Little ramshorn whirlpool snail</p>		
<p>Benacre to Easton Bavents</p>	<p>H1150# Coastal lagoons, A195(B) <i>Sterna albifrons</i>: Little tern A021(B) <i>Botaurus stellaris</i>: Great bittern A081(B) <i>Circus aeruginosus</i>: Eurasian marsh harrier</p>	<p>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.</p>	<p>Public access/disturbance, water pollution, physical modification, changes in species distributions, fisheries (marine and estuarine).</p>
<p>Minsmere to Walberswick (also Ramsar site)</p>	<p>H4030 European dry heaths H1210 Annual vegetation of drift lines H1220 Perennial vegetation of stony banks A052(B) <i>Anas crecca</i>: Eurasian teal A021(B) <i>Botaurus stellaris</i>: Great bittern A081(B) <i>Circus aeruginosus</i>: Eurasian marsh harrier A082(NB) <i>Circus cyaneus</i>: Hen harrier A224(B) <i>Caprimulgus europaeus</i>: European nightjar A056(B) <i>Anas clypeata</i>: Northern shoveler A056(NB) <i>Anas clypeata</i>: Northern</p>	<p>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</p>	<p>Coastal squeeze, public access/disturbance, changes in species distributions, invasive species, inappropriate pest control, air pollution, water pollution, deer, fisheries (commercial marine and estuarine)</p>

	shoveler A051(B) Anas strepera: Gadwall A051(NB) Anas strepera: Gadwall A132(B) Recurvirostra avosetta: Pied avocet A195(B) Sterna albifrons: Little tern A394(NB) Anser albifrons albifrons: Greater white-fronted goose	within the site.	
Outer Thames Estuary	A001 (W) Gavia stellate Red-throated Diver A195 (B) Sterna hirundo Common Tern A193 (B) Sternula albifrons Little Tern	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.	

Appendix 4: Natural England Consultation Response

From: Jackson, John
Sent: 20 June 2019 11:03
To: East Suffolk Council Planning Policy
Subject: RE: Habitats Regulations Assessment - Bredfield Neighbourhood Plan and Mutford Neighbourhood Plan

Dear Andrea,

I am writing to confirm that Natural England agrees with the conclusion of the Bredfield NP HRA that with mitigation in line with RAMS, the small amount of additional development is not likely to have an adverse effect, alone or in combination with plan allocations.

We also agree that the Mutford NP is not likely to have a significant effect.

Best Regards

John

From: East Suffolk Council Planning Policy
Sent: 14 June 2019 14:07
To: Natural England
Cc: Jackson, John
Subject: Habitats Regulations Assessment - Bredfield Neighbourhood Plan and Mutford Neighbourhood Plan

Dear Sir / Madam

Please find attached documentation relating to Habitats Regulations Assessment of two Neighbourhood Plans in East Suffolk:

- Habitats Regulations Assessment screening opinion and appropriate assessment relating to the Bredfield Neighbourhood Plan, along with the draft Bredfield Neighbourhood Plan against which the assessment has been undertaken. Please note that this version of the Neighbourhood Plan is confidential;
- Habitats Regulations Assessment screening opinion relating to the Mutford Neighbourhood plan. This concludes that no appropriate assessment will be required. The Submission version of the Neighbourhood Plan against which the assessment has been undertaken, can be viewed on our website at <https://www.eastsuffolk.gov.uk/planning/neighbourhood-planning/neighbourhood-plans-in-the-area/mutford-neighbourhood-plan/>.

As these plans are both at a relatively advanced stage, I would be grateful of a response as soon as possible in relation to whether you can confirm that you are in agreement with the conclusions in the attached.

Should you have any queries please do not hesitate to contact me.

Regards

Andrea McMillan