

# **Melton Neighbourhood Plan 2016-2030**



## **Habitats Regulations Assessment of the Melton Pre-Submission Neighbourhood Plan**

**November 2016**

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# 1 INTRODUCTION

- 1.1 This document assesses the Melton Neighbourhood Plan 2016-2030 Pre-Submission (Regulation 14) Version (dated June 2016), in line with the Habitats Regulations 2010, to ascertain whether the policies within that Plan and the guidance that it provides, are likely to have an adverse effect upon the integrity of any European sites. The intention is that any such adverse effects identified by the assessment, along with any associated mitigation measures, can be reflected in the Submission (Regulation 16) Version of the Neighbourhood Plan.
- 1.2 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 Habitats Regulations Screening Report June 2016 for the Melton Neighbourhood Plan 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.
- 1.3 A screening opinion of the draft Neighbourhood Plan was published by Suffolk Coastal District Council (SCDC) in June 2016. SCDC was of the opinion that a Habitats Regulations Assessment (HRA) was required. It stated at paragraph 6.2:

*"The Melton Neighbourhood Plan will not significantly add to or change the policies in the Suffolk Coastal Core Strategy. 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."*

- 1.4 The screening opinion represented Stage 1 outputs. This HRA addresses Stages 2 and 3.

## 2 EUROPEAN SITES POTENTIALLY AFFECTED

- 2.1 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.
- 2.2 Table 1 shows the Natura 2000 sites that are within 8km of the Melton Neighbourhood Plan area and specifically the proposed allocation at land off Wilford Bridge Road (Policy MEL21):

**Table 1: Natura 2000 sites included in the assessment**

1	<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>
2	<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>
3	<p><b>Deben Estuary SPA/ Ramsar / Inshore SPA with Marine Components</b></p> <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>
4	<p><b>Outer Thames Estuary Inshore SPA with Marine Components</b></p> <p>This SPA is entirely marine and is designated because it 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>

### 3 LIKELY SIGNIFICANT EFFECTS OF MELTON NEIGHBOURHOOD PLAN POLICIES ON EUROPEAN SITES

- 3.1 The criteria for determining if an individual policy, or a combination of policies, would have a likely significant effect, and require assessment, are based on the characteristics of the relevant European site and the objectives set by Natural England. The main factors to consider are:
- Development on or close to the European site destroying part or all of the site, or changing the ecological functioning of the site (e.g. disrupting water flows or migration routes, or providing damaging levels of air pollution)
  - Increased public recreation, causing disturbance to birds, damage to vegetation, increased littering/flytipping, or leading to management compromises (e.g. grazing being restricted).
  - Reduction in water levels or flow, from increased water demand in the District requiring greater water abstraction.
  - Reduction of water quality, from increased discharges of sewage and surface water drainage, or from pollution incidents, either during, or after, construction.
- 3.2 Development on or close to the European site is a location-dependent factor, but the other factors may affect a European site at some distance from development.

#### Screening of individual policies

- 3.3 Table 3 of the HRA Screening Report identified that a number of policies in the Melton Pre-Submission (Regulation 14) Neighbourhood Plan could have a significant effect on Natura 2000 sites and therefore an Appropriate Assessment was needed. Table 2 shows these policies and the assessment of the potential impact:

**Table 2: Policies that could have a significant impact**

<b>Policy</b>	<b>Potential impact</b>
Policy 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.
Policy MEL9 - Provision of community facilities at 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.
Policy MEL10 - Provision of allotments, community orchard and a community farm/	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

educational facility	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.
Policy MEL21 – Land off Wilford Bridge Road	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 [N.B. this legal challenge was subsequently upheld]. 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.

3.4 In addition, comments made by Natural England in respect of the consultation in preparing the screening opinion related to Policy MEL2 (Dedicated access for cyclists and pedestrians) were as follows:

*"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."*

3.5 This HRA therefore also considers Policy MEL2 as well as the policies in Table 2.

3.6 The development of additional housing and community facilities as well as improvements to pedestrian and cycle access within Melton is likely to increase the population of Melton and may therefore lead to increased visitor pressure upon nearby European sites, specifically the Deben Estuary SPA. Residents of Melton may travel to the Deben Estuary SPA for recreation, including walking, bird watching, dog walking etc. These activities, and others, may have negative impacts upon the qualifying features of European sites.

### **Policy MEL2 – Dedicated access for cyclists and pedestrians**

- 3.7 Policy MEL2 seeks to improve general accessibility for cyclists and pedestrians by identifying important locations for cyclepath provision and pedestrian crossings.
- 3.8 The potential impacts would come from more people walking and cycling to the Deben Estuary for recreation.
- 3.9 Whilst the policy would create opportunities for improved cycle access, it does not facilitate improved access all the way to Wilford Bridge where it meets the Deben Estuary. The policy could make clear that the purpose of cyclepath provision in this location is to improve access principally to the railway station and the employment areas at Riduna Park and that such improvements should not serve to increase the accessibility of the Deben Estuary by bicycle.
- 3.10 Equally, the improved pedestrian crossings proposed, particularly the crossing close to the railway station, are also intended to improve access to the station but not to assist access further to the west towards the Estuary. In the policy it should be made clear that any additional improvements to pedestrian access that are proposed must demonstrate that they do not increase the likelihood of pedestrian access to the Estuary.

### **Policy MEL5 – Melton Railway Station**

- 3.11 Policy MEL5 seeks to provide additional bicycle parking at the railway station which may, in combination with other policies, encourage additional visitor trips to the Deben Estuary.
- 3.12 Potential impacts would come from people parking their bicycles at the station and then accessing the Deben Estuary on foot.
- 3.13 The intention of the policy is to encourage cycling by those specifically using the station. Therefore the policy could be amended to ensure that provision is for station users only, e.g. secure bike parking.

### **Policy MEL9 - Provision of community facilities at the playing field Melton Road**

- 3.14 Policy MEL9 seeks to improve the provision of built community facilities within Melton. The proposals would represent re-provision of an existing facility which is already in use and therefore creates trips by visitors. As such, any impacts arising from the re-provision will only be in addition to these existing users.
- 3.15 Potential impacts would arise with visitors to the village hall and playing fields then also visiting the Deben Estuary.
- 3.16 These community facilities are provided at an allocated location within the physical limits boundary that incorporates the main residential area of Melton. By improving community facilities within the main settlement area and providing enhanced recreation opportunities at the playing fields (including outdoor gym equipment), people seeking nearby recreation opportunities and locations for dog walking, etc, may be drawn to these rather than the Deben Estuary, thus reducing visitor pressure upon its sensitive habitats.
- 3.17 It will be necessary to monitor the use of the proposed car park to identify if users are then accessing the Deben Estuary. This could be done by way of an annual survey.

### **Policy MEL10 - Provision of allotments, community orchard and a community farm/ educational facility**

- 3.18 Policy MEL10 looks to provide additional allotments, community orchard and community farm as part of the land off Wilford Bridge Road (Policy MEL21). The intention for this provision to be of benefit to the whole community, coupled with its location close to the railway station and the generally quieter and less disturbed character of the Deben Estuary to the north of Wilford Bridge, means that the policy could have impacts both on its own and in combination with other policies.
- 3.19 Potential impacts would arise with visitors to the allotments, community orchard and community farm then also visiting the Deben Estuary. In addition, this provision would be part of a wider development which will increase the number of residents in close proximity to the Estuary and to existing destinations such as the riverside park and the Wilford Bridge pub.
- 3.20 Whilst there will be an increased population in Melton as a result of the proposed allocation of land at Wilford Bridge Road and the development off Woods Lane, the improvement of community facilities at the playing fields in Melton Road will help to provide alternative destinations for the local community for activities that may otherwise be carried out close to the Deben Estuary, e.g. dog walking.
- 3.21 Potential mitigation would be to restrict the levels of parking at the allotments, community orchard and community farm, and ideally making this parking only for the users of those facilities. This would mean that only a limited number of visitors could access the site by car (most of whom would not be looking to then visit the Estuary), with the remainder having to come on foot or by bicycle. This would minimise the number of linked trips to the Estuary.
- 3.22 Additional mitigation would be by ensure pedestrian access allotments, community orchard and community farm does not provide direct routes to the Estuary. Whilst the indicative layout of the allocation of land at Wilford Bridge Road (Policy MEL21) requires the community uses to be located closest to the Estuary (due to flooding issues restricting residential use on this part of the site), the use of boundary treatments such as trees and hedges can ensure that access to the community facilities has to be through the main entrance which is likely to be further to the west. It will be particularly important the there is no provision of direct access to the riverside park and/or the Wilford Bridge pub from the community facilities.
- 3.23 It will be important to monitor movements between the community facilities and the Deben Estuary. This could be done by way of an annual survey.

### **Policy MEL21 – Land off Wilford Bridge Road**

- 3.24 This site allocation proposes a mix of uses including residential, employment, community uses (the allotments, community orchard and community farm in Policy MEL10) and open space.
- 3.25 There would be potential impacts arising from all the uses, with residential uses on particularly representing a cumulative effect along with the site with planning permission off Woods Lane.
- 3.26 Matters relating to the allotments, community orchard and community farm have been dealt with earlier under Policy MEL10.
- 3.27 The employment provision effectively replaces existing employment land. Whilst there would be increased activity, the propensity for workers and visitors to the employment activities to access the Deben Estuary is lower than residents or tourist visitors. It will be important to monitor such activity and to ensure that the general mitigation measures proposed for the SCDC Headquarters building, recently completed, are applied to the employment area in Policy MEL21.

- 3.28 The issue principally relates to the increase in residents. The indicative plan accompanying the allocation in the supporting text to Policy MEL21 shows the potential locations for different types of uses, reflecting the constraints on the types of uses that can be located on certain parts of the site. The residential use is proposed closest to the Deben Estuary. In addition, there is an existing public right of way (PROW) that runs along northern boundary where residential uses would be located. This PROW provides direct access to the Deben Estuary. The potential mitigation would be to ensure, through the policy, that no direct access is provided to PROW from the residential area.
- 3.29 A fundamental part of the mitigation is the provision of new open space on site for dog walkers and general leisure as part of the allocation. The indicative plan shows this area being located between the residential area and the Estuary. Making the location of such provision part of the policy will also assist with mitigation.
- 3.30 It will be important to monitor movements between the residential properties and the Deben Estuary. This could be done by way of an annual survey.

### **Mitigation across all policies**

#### ***Recreational Avoidance and Mitigation Strategy***

- 3.31 Across all the policies with a potential effect on the Deben Estuary, there is the scope to integrate the relevant locations and mitigation with the emerging 'Recreational Avoidance and Mitigation Strategy', being prepared by Ipswich, Babergh and Suffolk Coastal and due for publication in 2017.
- 3.32 The intention of this document is to set out in more detail how the mitigation measures required in association with the identified housing requirements for the local authorities will be carried out. It is understood from Natural England that this monitoring and mitigation should be looked at an SPA rather than local authority boundary. This provides confidence that the SCDC Core Strategy potential impacts are being addressed, and will include in-combination effects with the Melton Neighbourhood Plan.

#### ***SCDC Leisure Strategy, 2014-2024***

- 3.33 SCDC's Leisure Strategy 2014–2024 will increase access and availability of leisure and recreation opportunities to the wider community, enhancing and communicating the current and future offer to meet the wants and needs of local communities over the next ten years. This strategy suggests that opportunities may come forward outside the scope of this Neighbourhood Plan for increased leisure and recreation in ways which would not impact upon the nature conservation interest of designated sites in and around Melton. Although the Leisure Strategy is not a Local Plan document, or a statutory document, it remains relevant as a mechanism for further mitigating recreational impacts of the Melton Neighbourhood Plan.

## 4 CONCLUSIONS

### Conclusion of screening for likely significant effects of the Plan alone

- 4.1 In conclusion it is considered that the Melton Neighbourhood Plan Pre-Submission (Regulation 14) Version as a standalone document is likely to have a significant effect upon the Deben Estuary European site, particularly with those policies promoting housing and community development and potentially by encouraging improvements to cycle and pedestrian routes that may lead towards European sites. A slight cumulative increase in recreational pressure upon the Deben Estuary might result. However, the Melton Neighbourhood Plan is set within the context of other plans, particularly the SCDC Local Plan with which the Neighbourhood Plan must be consistent. It is therefore relevant to consider the likely significant effect of the Neighbourhood Plan in combination with the SCDC Local Plan, because the mitigation associated with the SCDC Plan (see below) encompasses the Neighbourhood Plan too.

### Conclusion of screening for likely significant effects of the Plan in combination with other relevant plans

- 4.2 The Melton Neighbourhood Plan is intended as one part of the development plan for Melton Parish. The other parts of the development plan are SCDC's Core Strategy and Development Management Policies Development Plan Document (DPD) 2013 and its Site Allocations and Area Specific Policies DPD 2016. The latter document did not cover Melton because a neighbourhood plan is being prepared for that area, therefore the sole document of relevance is the Core Strategy 2013,
- 4.3 The strategy and policies of Melton Neighbourhood Plan are entirely consistent with the adopted SCDC Core Strategy, which has its own Appropriate Assessment that addresses the potential impacts on European sites that might occur from increased visitor pressure, due to an increase in human population resulting from the development of new homes that are planned for the District.
- 4.4 SCDC's Core Strategy Appropriate Assessment provides in-depth methodology for mitigating the effects that increased visitors may have on European sites. The mitigation measures would be implemented through Policy SP17 – Green Space in the SCDC Core Strategy:

*"The Council will seek to ensure that communities have well-managed access to green space within settlements and in the countryside and coastal areas, in order to benefit health, community cohesion and greater understanding of the environment, without detriment to wildlife and landscape character. Where adequate green space is not provided as part of a development, developer contributions will be sought to fund the creation of appropriate green space and/ or management and improvement of access to green space. In particular, the Council will work on green infrastructure opportunities with partners in strategic housing growth areas in order to suitably complement development proposals. Developer contributions will be secured by means of conditions, legal agreements and/or through the Community Infrastructure Levy (CIL) (once a charging schedule has been adopted)."*

- 4.5 The Appropriate Assessment of the SCDC Core Strategy and Development Management Policies Development Plan Document, concludes that with the implementation of the outlined mitigation measures, there would be no likely significant effect upon the integrity of any European site.

- 4.6 As described previously, the policies of Melton Neighbourhood Plan are intended to be used in conjunction with the policies of the SCDC Core Strategy and Development Management Policies Development Plan Document, to guide the development and growth of Melton Parish. As such the policies of Melton Neighbourhood Plan are consistent with those of SCDC Core Strategy and its Appropriate Assessment.
- 4.7 Overall, when in combination with the SCDC Core Strategy, development of the Recreational Avoidance and Mitigation Strategy and the SCDC Leisure Strategy, and the additions suggested in Section 3 of this HRA are included in the Submission Stage (Regulation 16) Version, **the Melton Neighbourhood Plan is unlikely to have a significant effect upon the integrity of any European site.**