



# Habitats Regulations Assessment Screening Statement

## Oulton Neighbourhood Plan

March 2022

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# 1. Introduction

1.1 The European Habitats Directive<sup>1</sup> and Wild Birds Directive<sup>2</sup> 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 and refers to SACs, SPAs and Ramsar sites as ‘Habitat 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 including through EU Exit legislation). 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) (as amended including through EU Exit legislation) 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.

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<sup>1</sup> 92/43/EEC

<sup>2</sup> 2009/147/EEC

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 Union<sup>3</sup>, which has ruled that where 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 Oulton Neighbourhood Plan is being produced by Oulton Parish Council. A Draft Neighbourhood Plan has been produced and this screening assessment considers whether there are likely to be significant effects on protected Habitat sites and whether a full Appropriate Assessment will be required.
- 1.6 The Oulton Neighbourhood Plan will need to be in general conformity with the strategic policies of the identified Local Plans for the area. As the Neighbourhood Plan boundary extends into the Broads Local Plan area, this requirement will include the Broads Local Plan. The adopted Local Plans are currently the East Suffolk (Waveney) Local Plan 2019 and the Local Plan for the Broads (2019). The Oulton Neighbourhood Plan is therefore being developed within the context of the relevant policies contained in the East Suffolk (Waveney) Local Plan 2019 and the Local Plan for the Broads (2019).
- 1.7 The East Suffolk (Waveney) Local Plan and Local Plan for the Broads have been subject to Habitats Regulations Assessment as part of their production. Where screening identified a likely significant effect, an Appropriate Assessment was

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

undertaken and mitigation measures identified were incorporated within the East Suffolk (Waveney) Local Plan and the Local Plan for the Broads, resulting in a conclusion that the plan will not lead to any adverse effects on Habitat sites within and in the vicinity of the East Suffolk (Waveney) Local Plan 2019 and Local Plan for the Broads (2019). The East Suffolk (Waveney) Local Plan was also previously subject to strategic level Appropriate Assessment which concluded that without mitigation there would be a significant effect on Habitat sites, alone and in combination with other plans. The Appropriate Assessment identified recreational disturbance particularly from dog walkers as the main significant effect. 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 Habitat sites.

- 1.8 This screening report contains the results of Stage 1 (above) in relation to the Draft 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 Habitat site. The initial screening has been undertaken by East Suffolk Council and was subject to a five-week consultation with Natural England as statutory consultee.

## 2. Protected sites covered by this screening report

- 2.1 Sites included in this assessment are listed in Table 1. This includes all sites that are within 20km of the Oulton Neighbourhood Plan area (for consistency with the distances applied within the HRA of the East Suffolk (Waveney) Local Plan 2019 and the Local Plan for the Broads 2019 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 East Suffolk (Waveney) Local Plan and Local Plan for the Broads.

Table 1: Relevant Habitat sites

Name
Benacre to Easton Bavents Lagoons SAC

The Broads SAC
Minsmere to Walberswick Heaths and Marshes SAC
Benacre to Easton Bavents SPA
Broadland SPA
Minsmere-Walberswick SPA
Broadland Ramsar Site
Minsmere-Walberswick Ramsar Site
Breydon Water SPA
Breydon Water Ramsar Site
Great Yarmouth North Denes SPA
Southern North Sea SAC
Outer Thames Estuary SPA

### 3. Draft Oulton Neighbourhood Plan

- 3.1 Oulton Parish Council is producing a Neighbourhood Plan for Oulton Neighbourhood area, in order to set out the vision, objectives and policies for the development of the town up to 2036, within the context of the East Suffolk (Waveney) Local Plan 2019 and the Local Plan for the Broads 2019.
- 3.2 The Draft Neighbourhood Plan reviewed includes a range of policies covering the Oulton Neighbourhood Plan area, which includes Camps Heath as part of the Broads Authority. A number of policies relate to the full Neighbourhood Plan area whilst others are area/location specific. The Plan does not allocate specific sites for development.
- 3.3 The policies in the Draft Oulton Neighbourhood Plan as reviewed are listed in Table 2 below. An assessment of whether each policy is likely to have a significant effect on Habitat sites is included in section 5 of this report.

Table 2: List of Neighbourhood Plan policies

Policy reference	Policy Title
Policy 1	Housing Type and Mix
Policy 2	Affordable Housing Tenure Mix
Policy 3	Design

Policy 4	Green Corridors
Policy 5	Local Green Spaces
Policy 6	Protection of Important Local Views
Policy 7	Paddocks Special Character Area
Policy 8	Heritage Assets
Policy 9	Sustainable Transport
Policy 10	Traffic and Speed

## 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 plans are the Local Plans for both East Suffolk and the Broads Authority. The East Suffolk (Waveney) Local Plan was adopted in March 2019 with the Local Plan for the Broads being adopted in May 2019. The adopted Local Plan sets out the broad scale and distribution of development across the area of East Suffolk formerly covered by Waveney District and a portion of the Broads Authority area. This has been subject to an Appropriate Assessment as part of its production.
- 4.3 The Draft Oulton Neighbourhood Plan policies interpret the strategy and policies of the East Suffolk (Waveney) Local Plan at a local level and, where relevant, the Local Plan for the Broads. The policies contained in the Draft Oulton Neighbourhood Plan are proposed to provide locally specific, criteria-based policy guidance for the determination of planning applications.
- 4.4 Policy WLP1.1 Scale and Location of Growth of the Local Plan states that 56% of housing growth (approx. 5,206 dwellings) will take place in Lowestoft and surrounding areas. The draft Oulton Neighbourhood Plan does not propose any site allocations as growth is already allocated in the Local Plan.
- 4.5 A screening process considered each policy in the East Suffolk (Waveney) Local Plan and concluded whether significant effects are likely and if an Appropriate Assessment was needed. The Appropriate Assessment subsequently considered the following themes - recreation pressure from new residential

development, recreation pressure from tourism, urbanisation effects in close proximity, air quality from increased road traffic, water quality and resources and biodiversity net gain. Mitigation measures were identified within the Appropriate Assessment and were incorporated within the Final Local Plan, resulting in a conclusion that the plan will not lead to any adverse effects on Habitat sites within and in the vicinity of the East Suffolk (Waveney) or Local Plan for the Broads plan area.

- 4.6 The Council has subsequently produced a Recreational Avoidance and Mitigation Strategy and requires payment towards mitigation of significant effects from residential developments within 13km of the relevant Habitat sites.

## 5. Assessment of likely effects of the Oulton Neighbourhood Plan on Habitat sites

- 5.1 Table 3 below considers each policy of the Draft Oulton Neighbourhood Plan reviewed in relation to whether there is potential for a likely significant effect on protected Habitat 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 Oulton Neighbourhood Plan

Policy	Assessment of potential impact on Habitat sites	Habitat sites that could possibly be affected	Likely significant effect identified	AA needed?
Policy 1	<p><b>Housing Type and Mix:</b> requires housing to provide a mix of housing types and sizes which reflect local housing need with housing of 10 or more dwellings providing a minimum 30% of dwellings comprising 2 bedrooms. Oulton has allocations of dwellings in the ES (W) LP which have already been subject to an HRA assessment. Any small sites that may come forward which would be considered as a windfall site will be assessed upon submission of a planning application. No impact pathways to Habitat sites are therefore identified.</p>	None	None	No
Policy 2	<p><b>Affordable housing tenure mix:</b> requires a certain mix of tenure types:                      a) 50% affordable rent                      b) 25% First Homes                      c) 15% shared ownership                      d) 10% rent to buy                      No impact pathways to Habitat sites are therefore identified.</p>	None	None	No
Policy 3	<p><b>Design:</b> All new development within Oulton outside of the Broads Executive Area must demonstrate high-quality design and promote a good ‘sense of place’. The design principles, taken from Oulton Neighbourhood Plan Design Guidelines and Codes (2021) must be followed.                      No impact pathways to Habitat sites are therefore identified.</p>	None	None	No

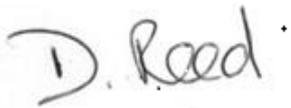
Policy	Assessment of potential impact on Habitat sites	Habitat sites that could possibly be affected	Likely significant effect identified	AA needed?
Policy 4	<b>Green Corridors:</b> Green corridors have been identified and development will be resisted unless a biodiversity net gain can be demonstrated elsewhere in the parish. Development near to these corridors must maintain and enhance the function of the corridor and any mitigation measures proposed. No impact pathways to Habitat sites are therefore identified.	None	None	No
Policy 5	<b>Local Green Spaces:</b> a number of areas have been designated for special protection where inappropriate development will only be allowed in very special circumstances, however opportunities to enhance the beneficial use of spaces will be sought and the creation of new rights of way may be considered where it creates a network of green spaces or ecological corridors. No impact pathways to Habitat sites are therefore identified.	None	None	No
Policy 6	<b>Protection of Important Local Views:</b> Development proposals that would adversely affect the identified key views will not be supported and proposals are expected to demonstrate that they are sited, and designed to be of a form and scale that avoids or mitigates any harm to the key views. No impact pathways to Habitat sites are therefore identified.	None	None	No
Policy 7	<b>Paddocks Special Character Area:</b> A proposal will not be supported where the harm caused to the special character as a result of the impact of a proposed scheme is not justified by the public benefits that would be provided. No impact pathways to Habitat sites are therefore identified.	None	None	No

Policy	Assessment of potential impact on Habitat sites	Habitat sites that could possibly be affected	Likely significant effect identified	AA needed?
Policy 8	<b>Heritage Assets:</b> The character, integrity and appearance of existing historic assets will be conserved and where possible enhanced, in line with their significance. No impact pathways to Habitat sites are therefore identified.	None	None	No
Policy 9	<b>Sustainable Transport:</b> seeks to promote cycling and walking links in line with ESC Cycling and Walking Strategy and new developments will be expected to connect with existing footpaths and footways, and where necessary extended or upgraded facilities will be required. No impact pathways to Habitat sites are therefore identified.	None	None	No
Policy 10	<b>Traffic and Speed:</b> this policy relates the enforcement of the prevailing speed limit with low speeds being reinforced through design. No impact pathways to Habitat sites are therefore identified.	None	None	No

## 6. Summary and conclusions

- 6.1 The Draft Oulton Neighbourhood Plan will provide policy which will be used for determining planning applications alongside the East Suffolk (Waveney) Local Plan and the Local Plan for the Broads. It includes locally specific criteria-based policies to be used for the determination of planning applications within the Oulton Neighbourhood Plan area and the identification of location specific Local Green Spaces and Non-Designated Heritage Assets.
- 6.2 The Oulton Neighbourhood Plan is being prepared to be in general conformity with the relevant policies in the adopted East Suffolk (Waveney) Local Plan and the Local Plan for the Broads. The policies provide locally specific criteria and will not lead to likely significant effects on Habitat sites.

Signed:



Dated: 10<sup>th</sup> March 2022

Desi Reed  
Planning Manager (Policy, Delivery & Specialist Services)  
East Suffolk Council

## Appendix 1: Sources of background information

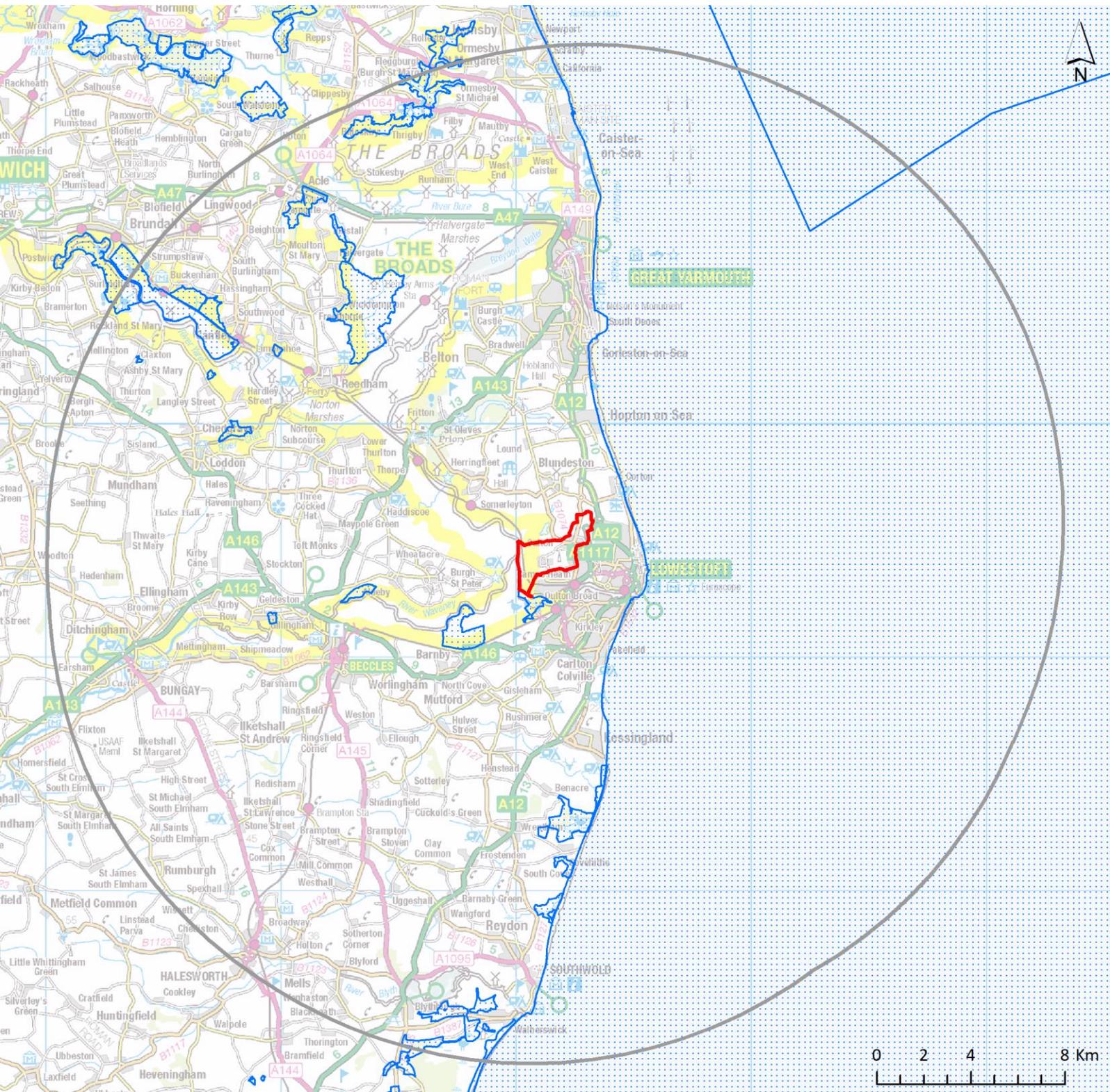
- Habitats Regulations Assessment for the East Suffolk (Waveney) Local Plan 2019
- Habitats Regulations Assessment for East Suffolk (Waveney) Local Plan Site Allocations and Area Specific Policies
- Appropriate Assessment for Modifications to East Suffolk (Waveney) Local Plan 2019

## Appendix 2: Locations of Habitat sites

### RAMSAR



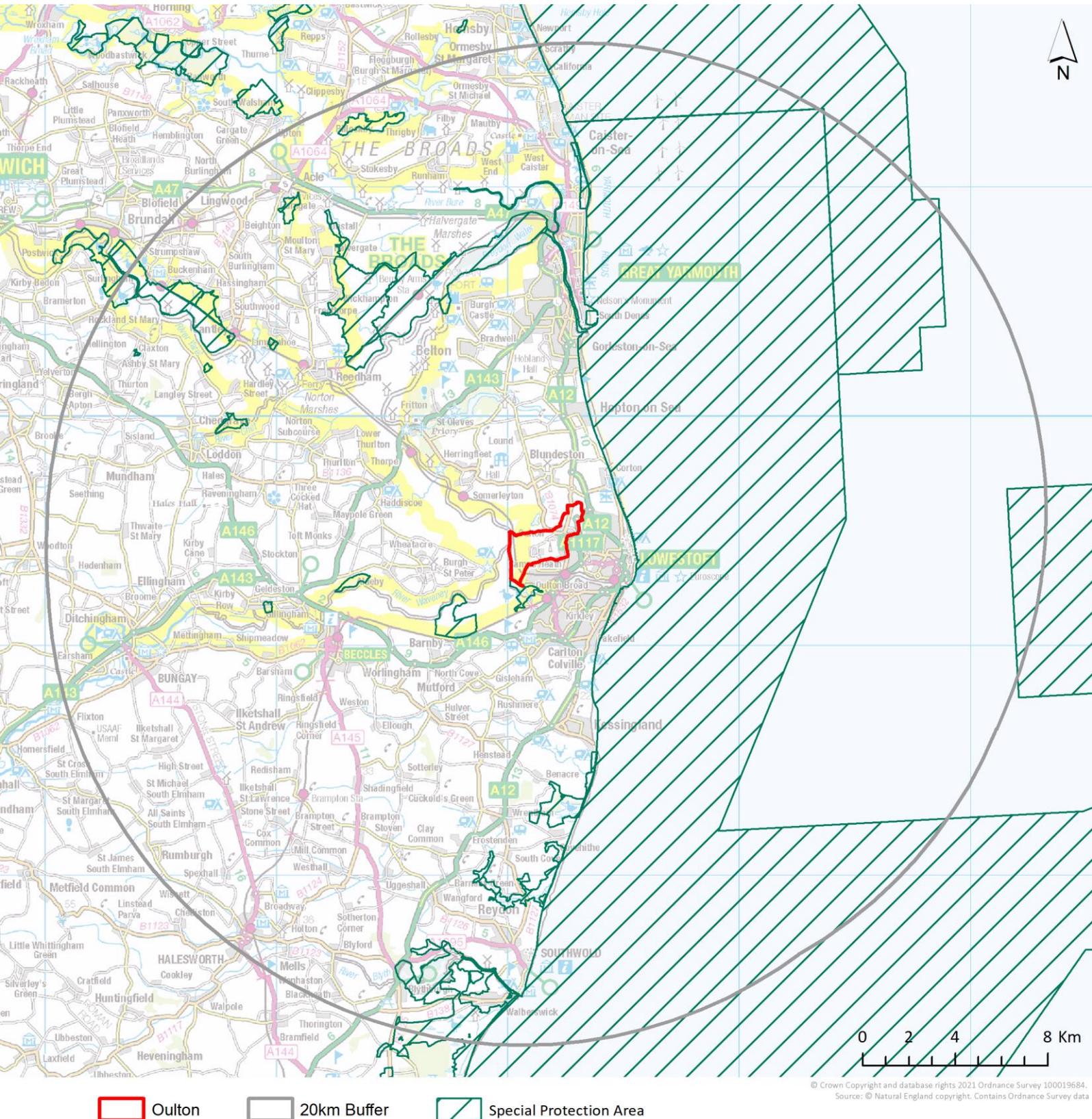
Special Areas of Conservation



- Oulton
- 20km Buffer
- Special Areas of Conservation

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### Special Protection Areas



## Appendix 3: Relevant Habitat 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))
<b>Special Areas of Conservation</b>			
The Broads	H7210# Calcareous fens with Cladium mariscus and species of the Caricion davallianae S1016 Vertigo moulinsiana: Desmoulin's whorl snail H7230 Alkaline fens H6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) H91E0# Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) H7140 Transition mires and quaking bogs H3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp H3150 Natural eutrophic lakes with Magnopotamion or Hydrocharition-type vegetation S1355 Lutra lutra: Otter S1903 Liparis loeselii: Fen orchid	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, under-grazing, drainage, direct impact from 3rd party

	S4056 <i>Anisus vorticulus</i> : Little ramshorn whirlpool snail		
Benacre to Easton	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	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, The structure and function (including typical species) of qualifying natural habitats, and, The supporting processes on which qualifying natural habitats rely.	Public access/disturbance, water pollution, physical modification, changes in species distributions, fisheries (marine and estuarine).
Minsmere to Walberswick Heaths and Marshes	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	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.	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>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</i>: Greater white-fronted goose</p>		
Southern North Sea	Harbour Porpoise ( <i>phocoena phocoena</i> )	To ensure that the integrity of the site is maintained and that it makes an appropriate contribution to maintaining Favourable Conservation Status (FCS) for harbour porpoise in UK waters.	N/A
<b>Special Protection Areas</b>			
Broadlands (also Ramsar site)	<p>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</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;	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

	<p>H6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae)  H91E0# Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)  H7140 Transition mires and quaking bogs  H3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp  H3150 Natural eutrophic lakes with Magnopotamion or Hydrocharition-type vegetation  S1355 Lutra lutra: Otter  S1903 Liparis loeselii: Fen orchid  S4056 Anisus vorticulus: Little ramshorn whirlpool snail</p>	<p>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.</p>	<p>access/disturbance, under-grazing, drainage, direct impact from 3rd party</p>
<p>Benacre to Easton Bvents</p>	<p>H1150# Coastal lagoons,  A195(B) Sterna albifrons: Little tern  A021(B) Botaurus stellaris: Great bittern  A081(B) Circus aeruginosus: 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,</p>	<p>Public access/disturbance, water pollution, physical modification, changes in species distributions, fisheries (marine and estuarine).</p>

		<p>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>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 shoveler  A051(B) <i>Anas strepera</i>: Gadwall  A051(NB) <i>Anas strepera</i>: Gadwall  A132(B) <i>Recurvirostra avosetta</i>: Pied avocet</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>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>

	A195(B) <i>Sterna albifrons</i> : Little tern A394(NB) <i>Anser albifrons</i> albifrons: Greater white-fronted goose		
<b>Ramsar Sites</b>			
Broadland	<p>Ramsar Criterion 1 The site contains a mosaic of marine, freshwater, marshland and associated habitats, complete with transition areas in between. Contains the largest continuous stand of reedbeds in England and Wales and rare transition in grazing marsh ditch plants from brackish to fresh water.</p> <p>Ramsar criterion 2 This site supports nine nationally scarce plants and at least 26 red data book invertebrates. Supports a population of the mollusc <i>Vertigo angustior</i> (Habitats Directive Annex II; British Red Data Book Endangered), recently discovered on the Blyth estuary river walls.</p>	Natural England considers the Conservation Advice packages for the overlapping European Marine Site designations to be, in most cases, sufficient to support the management of the Ramsar interests.	N/A
Minsmere-Walberswick	<p>Ramsar Criterion 1 The site contains a mosaic of marine, freshwater, marshland</p>	Natural England considers the Conservation Advice packages for the overlapping European Marine Site	

	<p>and associated habitats, complete with transition areas in between. Contains the largest continuous stand of reedbeds in England and Wales and rare transition in grazing marsh ditch plants from brackish to fresh water.</p> <p>Ramsar criterion 2</p> <p>This site supports nine nationally scarce plants and at least 26 red data book invertebrates.</p> <p>Supports a population of the mollusc <i>Vertigo angustior</i> (Habitats Directive Annex II; British Red Data Book Endangered), recently discovered on the Blyth estuary river walls.</p>	<p>designations to be, in most cases, sufficient to support the management of the Ramsar interests.</p>	
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## Appendix 4: Natural England Consultation Response

Our ref. 380163

Dear Ms Seabrook

### **Habitat Regulations Assessment Screening for Oulton Neighbourhood Plan**

Thank you for your email dated 12 January 2022.

I can confirm that Natural England concurs with your conclusion that there is no requirement to undertake an Appropriate Assessment.

Yours sincerely

Joanne Widgery  
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