



Habitats Regulations Assessment Screening Statement

**HMO 'Exceptional Circumstances'
Guidance Note**

October 2024

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1. Introduction

- 1.1 The Conservation of Habitats and Species Regulations (2017) (as amended) 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) 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 plans and projects is set out in the Conservation of Habitats and Species Regulations (2017) (as amended).
- 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 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

Union¹, 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 HMO 'Exceptional Circumstances' Guidance Note is being produced by East Suffolk Council. The guidance note provides clarity on the circumstances that could be deemed exceptional in applying Waveney Local Plan policy WLP8.4 (Conversion of Properties to Flats) in relation to proposals for conversions to Houses in Multiple Occupation (HMOs) or bedsits. This report considers whether there are likely to be significant effects on protected Habitat sites and whether a full Appropriate Assessment may be required.
- 1.6 East Suffolk (outside of the Broads) is covered by two Local Plans, the East Suffolk Council - Suffolk Coastal Local Plan adopted September 2020 and the Waveney Local Plan adopted March 2019 (the Waveney Local Plan being the relevant development plan related to the HMO 'Exceptional Circumstances' Guidance Note).
- 1.7 Both Local Plans were subject to Habitats Regulations Assessment as part of their production. Where screening identified a likely significant effect, Appropriate Assessment was undertaken and the mitigation measures identified were incorporated within the Plans, resulting in conclusions that the plans will not lead to any adverse effects on Habitat sites within and in the vicinity of the (then) Suffolk Coastal and Waveney Districts. Both Appropriate

¹ C-323/17 – People over Wind, Peter Sweetman v Coillte Teoranta

Assessments identified recreational disturbance particularly from dog walkers as a significant effect. The Council has subsequently produced a Recreational Avoidance and Mitigation Strategy and requires payment towards mitigation from residential developments within 13km of the protected Habitat sites.

2. Protected sites covered by this report

2.1 Sites included in this assessment are listed in Table 1. This includes all sites that are within 20km of the East Suffolk- Waveney Local Plan area. 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 Assessments for the Local Plans.

Table 1: Relevant Habitat sites

Name
Alde Ore Estuary SPA, Ramsar
Alde-Ore and Butley Estuary SAC
Benacre to Easton Bavents SPA
Benacre to Easton Bavents Lagoons SAC
Breydon Water SPA, Ramsar
Broadland SPA, Ramsar
Dews Pond SAC
Great Yarmouth North Denes SPA
Haisborough, Hammond and Winterton SAC
Minsmere to Walberswick Heaths & Marshes SAC
Minsmere – Walberswick SPA, Ramsar
Outer Thames Estuary SPA
Sandlings SPA
Southern North Sea SAC
The Broads SAC

3. HMO 'Exceptional Circumstances' Guidance Note

- 3.1 This HRA report reviewed an early draft of the 'HMO 'Exceptional Circumstances' Guidance Note (July 2024)'.
- 3.2 The 'HMO 'Exceptional Circumstances' Guidance Note (July 2024) is a short guidance note, produced to provide clarity and support the implementation of the Local Plan. The primary purpose of the note is to provide further explanation around the circumstances that could be deemed 'exceptional' in applying the last sentence of Waveney Local Plan policy WLP8.4 (Conversion of Properties to Flats) in relation to proposals for conversions to Houses in Multiple Occupation (HMOs) or bedsits.
- 3.3 The guidance note is to be read alongside the Planning Policy and supporting text in the Local Plan. The guidance note does not amend the Local Plan policy.
- 3.4 The guidance note is arranged into three sections which have been screened individually in section 5 of this document:
 - Background- purpose of guidance note, definitions and use classes, and policy context.
 - Exceptional Circumstances- explains what should constitute 'exceptional circumstances'.
 - Other Relevant Information- other guidance relating to HMOs, including licensing and building regulations.

4. Other Plans and Projects

4.1 Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (as amended, including through EU exit legislation) 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. The Local Plans set out the broad scale and distribution of development across the area of East Suffolk formerly covered by Suffolk Coastal District and Waveney District. The Local Plan of relevance the HMO 'Exceptional Circumstances' Guidance Note is the East Suffolk Council- Waveney Local Plan which was adopted in March 2019. The Local Plan sets out the broad scale and distribution of development across the northern area of East Suffolk formerly covered by Waveney District Council.

4.3 The 'HMO 'Exceptional Circumstances' Guidance Note (July 2024) supports the implementation of Waveney Local Plan policy WLP8.4 (Conversion of Properties to Flats) in relation to proposals for conversions to Houses in Multiple Occupation (HMOs) or bedsits.

4.4 Through the production of the Waveney Local Plan, a screening process considered each policy (including allocation policies) in the Local Plan and concluded whether significant effects are likely and that an Appropriate Assessment is needed. The Appropriate Assessment of the Waveney Local Plan subsequently considered the following themes:

- Transport and air quality
- Water quality
- Flood risk and coastal erosion,
- Tourism, retail and employment development, and
- Recreation (described as visitation in the HRA)

4.5 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 adverse effects on the integrity of Habitat sites within and in the vicinity of the (then) Waveney District.

5. Assessment of likely significant effects of the draft HMO 'Exceptional Circumstances' Guidance Note on Habitat sites

5.1 Table 3 below considers each relevant section of the draft HMO 'Exceptional Circumstances' Guidance Note 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 relevant sections are considered within the context of the Local Plan policies which have themselves been subject to Habitats Regulations Assessment, as set out in section 4 above.

Table 3: Likely significant effects of the HMO 'Exceptional Circumstances' Guidance Note

Section	Assessment of potential impact on Habitat sites	Habitat sites that could possibly be affected	Likely significant effect identified	AA needed?
Background	<p>This section explains the purpose of the guidance note, setting out the policy context, including Local plan policy WLP8.4. This section also sets out the definition of a House in Multiple Occupation (HMO) and confirms that they fall into either use class C4 or <i>sui generis</i>, depending on size.</p> <p>This section is factual and descriptive and is therefore not considered to give rise to any likely significant effects.</p>	None	None	No
Exceptional Circumstances	<p>This section provides further explanation around the circumstances that could be deemed 'exceptional' in applying the last sentence of local plan policy WLP8.4 in relation to proposals for conversions to Houses in Multiple Occupation (HMOs) or bedsits.</p> <p>The Appropriate Assessment of the Waveney Local Plan concluded that Local</p>	None	None	No

Section	Assessment of potential impact on Habitat sites	Habitat sites that could possibly be affected	Likely significant effect identified	AA needed?
	Plan policy WLP8.4 would not lead to any likely significant effects either alone or in combination. As this section of the guidance note does not, in itself, promote development beyond what was already considered through the Local Policy, it is not considered to give rise to any likely significant effects.			
Other Relevant Information	<p>This section explains the other considerations that may need to be taken into account as part of the delivery of HMOs. This includes licensing requirements and building regulations.</p> <p>This section is factual and does not, in itself, promote development, it is therefore not considered to give rise to any likely significant effects.</p>	None	None	No

6. Summary and conclusions

- 6.1 The HMO 'Exceptional Circumstances' Guidance Note will support the implementation of Waveney Local Plan policy WLP8.4 (Conversion of Properties to Flats) in relation to proposals for conversions to Houses in Multiple Occupation (HMOs) or bedsits.
- 6.2 The Local Plan remains the starting point for decision-making, in line with the national legislation. The note provides clarity around the circumstances that could be deemed 'exceptional' in applying the last sentence of policy WLP8.4.
- 6.3 Through the production of the Waveney Local Plan, a screening process considered each policy (including allocation policies) in the Local Plan. Where screening identified a likely significant effect, Appropriate Assessment was undertaken and the mitigation measures identified were incorporated within the Plan, resulting in conclusions that the plan will not lead to any adverse effects on Habitat sites within and in the vicinity of the (then) Waveney District.
- 6.3 Implementation of the HMO 'Exceptional Circumstances' Guidance Note will not lead to likely significant effects on protected Habitat sites.
- 6.4 Natural England were consulted on a draft of this Screening Statement as statutory nature conservation body. Their response is contained in Appendix 4. Natural England provided a copy of their standing advice in response, and did not object to the conclusion that the HMO 'Exceptional Circumstances' Guidance Note will not lead to likely significant effects on protected Habitat sites.

Andrea McMillan

Signed:

Dated: 31st October 2024

Andrea McMillan
Planning Policy and Delivery Manager
East Suffolk Council

Appendix 1: Sources of background information

- East Suffolk Council – Waveney Local Plan (March 2019)
- The Habitats Regulations Assessment of the Waveney Local Plan (December 2018)
- Habitats Regulations Assessment Recreational Disturbance Avoidance and Mitigation Strategy for Ipswich Borough, Babergh District, Mid Suffolk District and East Suffolk Councils (May 2019)

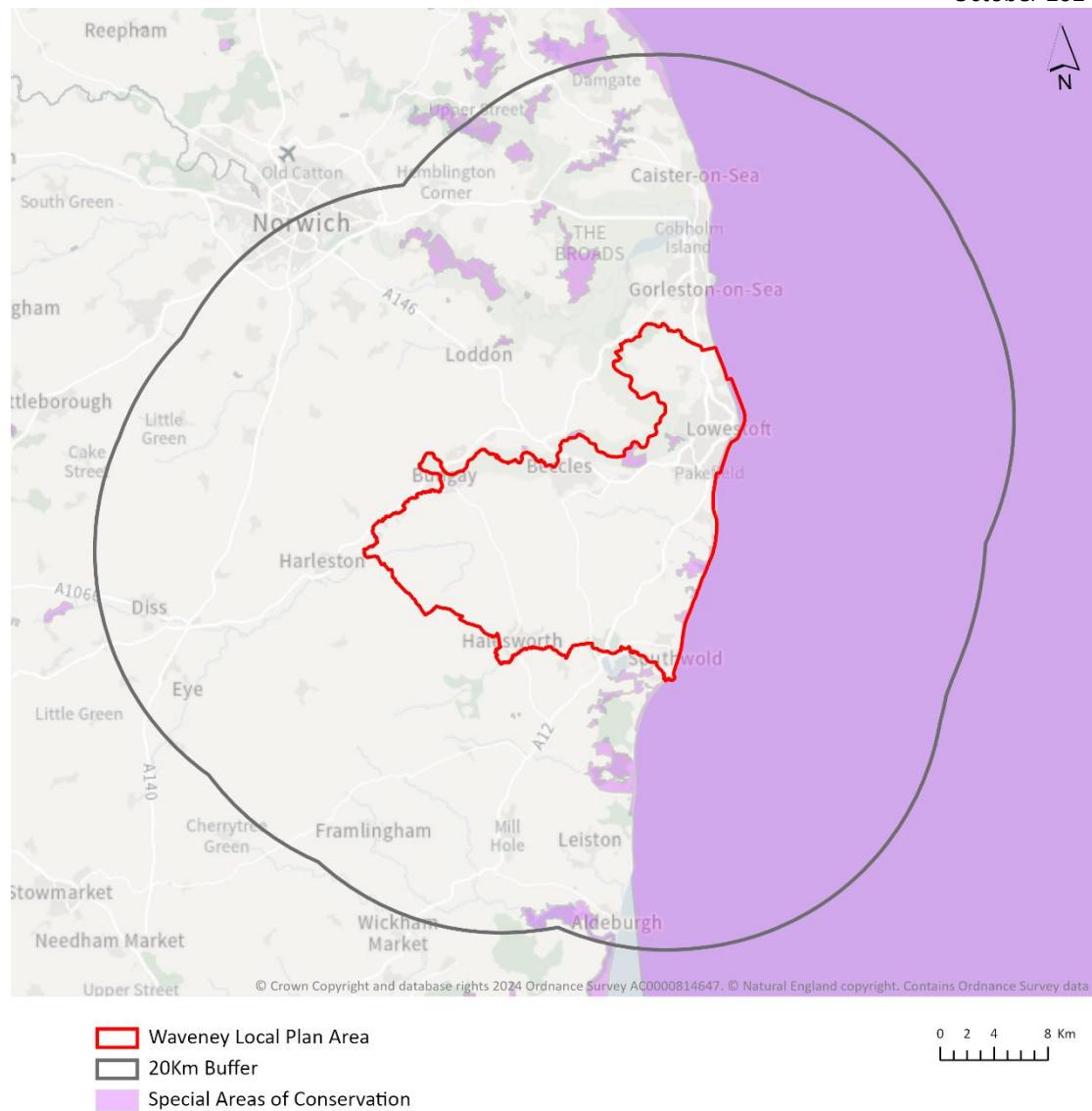
Appendix 2: Locations of Habitat sites

Habitat sites within 20km of the East Suffolk- Waveney Local Plan area

Habitats Regulations Assessment Screening Statement
HMO 'Exceptional Circumstances' Guidance Note
October 2024



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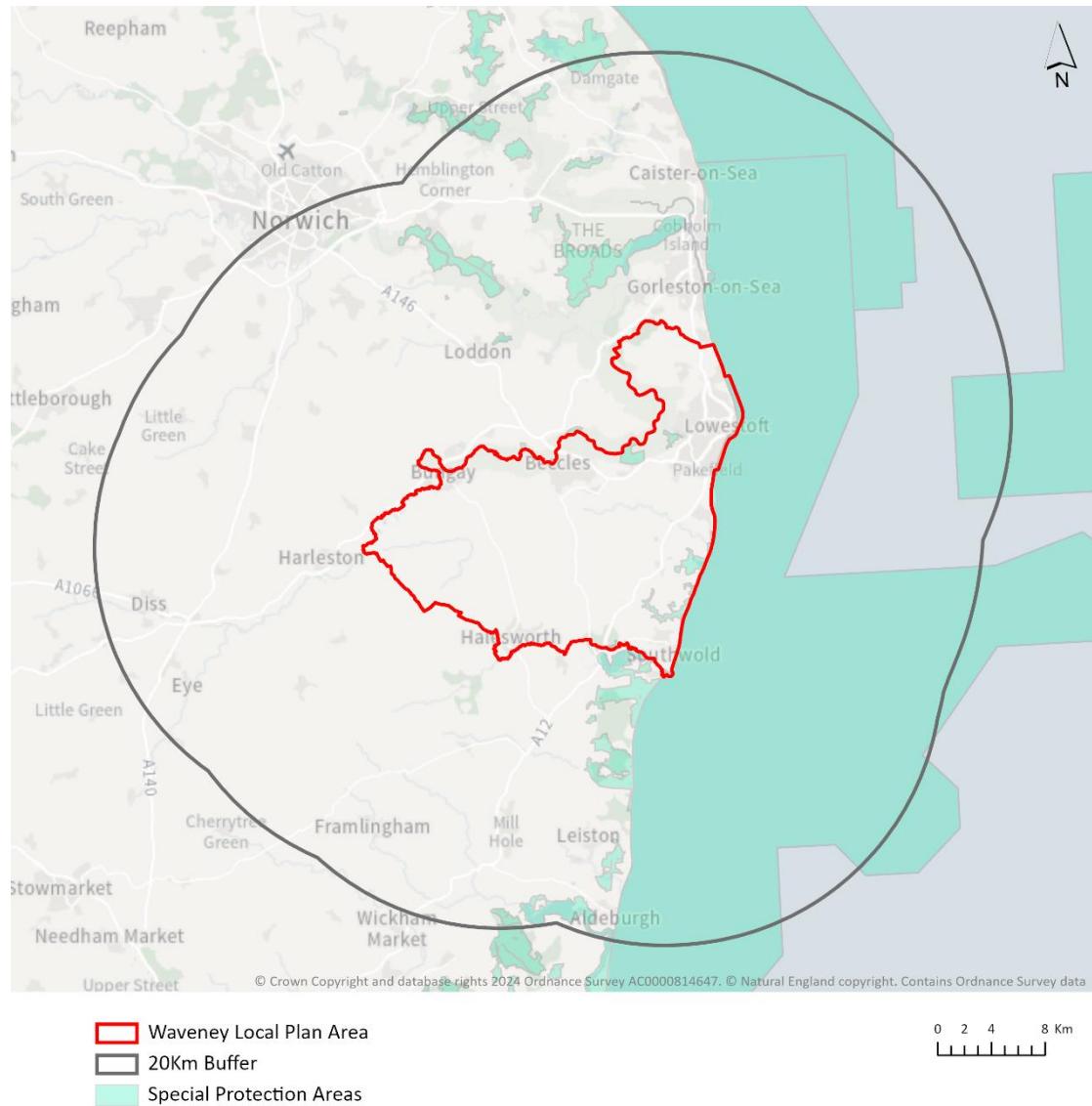
■ Waveney Local Plan Area

■ 20Km Buffer

■ Special Areas of Conservation

0 2 4 8 Km

Habitats Regulations Assessment Screening Statement
HMO 'Exceptional Circumstances' Guidance Note
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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))
Special Areas of Conservation			
Alde-Ore and Butley Estuaries	H1130:Estuaries H1140: Mudflats and sandflats not covered by seawater at low tide; Intertidal mudflats and sandflats H1330: Atlantic salt meadows	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; The supporting processes on which qualifying natural habitats rely.	Hydrological changes, public access/disturbance, inappropriate coastal management, coastal squeeze, inappropriate pest control, changes in species distributions, invasive species, air pollution, fisheries (commercial marine and estuarine) (Alde-Ore and Butley Estuaries SAC and Alde-Ore SPA)
Benacre to Easton Bavents Lagoons	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,	Public access/disturbance, water pollution, physical modification, changes in species distributions, fisheries (marine and estuarine).

		<p>The structure and function (including typical species) of qualifying natural habitats, and,</p> <p>The supporting processes on which qualifying natural habitats rely.</p>	
Dew's Ponds	S1166 <i>Triturus cristatus</i> : Great crested newt	<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 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>	None identified
Minsmere to Walberswick Heaths and Marshes	<p>H4030 European dry heaths</p> <p>H1210 Annual vegetation of drift lines</p> <p>H1220 Perennial vegetation of stony banks</p> <p>A052(B) <i>Anas crecca</i>: Eurasian teal</p> <p>A021(B) <i>Botaurus stellaris</i>: Great bittern</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,</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>A081(B) <i>Circus aeruginosus</i>: Eurasian marsh harrier</p> <p>A082(NB) <i>Circus cyaneus</i>: Hen harrier</p> <p>A224(B) <i>Caprimulgus europaeus</i>: European nightjar</p> <p>A056(B) <i>Anas clypeata</i>: Northern shoveler</p> <p>A056(NB) <i>Anas clypeata</i>: Northern shoveler</p> <p>A051(B) <i>Anas strepera</i>: Gadwall</p> <p>A051(NB) <i>Anas strepera</i>: Gadwall</p> <p>A132(B) <i>Recurvirostra avosetta</i>: Pied avocet</p> <p>A195(B) <i>Sterna albifrons</i>: Little tern</p> <p>A394(NB) <i>Anser albifrons albifrons</i>: Greater white-fronted goose</p>	<p>The structure and function (including typical species) of qualifying natural habitats, and,</p> <p>The supporting processes on which qualifying natural habitats rely.</p>	
Southern North Sea	1351: <i>Phocoena phocoena</i>	<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;</p> <p>The structure and function (including typical species) of qualifying natural habitats; and</p>	Not identified in Suffolk Coastal Final Draft Local Plan HRA.

		The supporting processes on which qualifying natural habitats rely.	
The Broads	<p>H7210# Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i></p> <p>S1016 <i>Vertigo moulensis</i>: Desmoulin's whorl snail</p> <p>H7230 Alkaline fens</p> <p>H6410 <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)</p> <p>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>)</p> <p>H7140 Transition mires and quaking bogs</p> <p>H3140 Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp</p> <p>H3150 Natural eutrophic lakes with <i>Magnopotamion</i> or Hydrocharition-type vegetation</p> <p>S1355 <i>Lutra lutra</i>: Otter</p> <p>S1903 <i>Liparis loeselii</i>: Fen orchid</p> <p>S4056 <i>Anisus vorticulus</i>: Little ramshorn whirlpool snail</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>
Special Protection Areas			
Alde-Ore Estuary (also Ramsar site)	A081: Eurasian marsh harrier (breeding)	Ensure that the integrity of the site is maintained or restored as appropriate,	Hydrological changes, public access/disturbance, inappropriate coastal

	<p>A132: Pied avocet (non-breeding) A132: Pied avocet (breeding) A151: Ruff (non-breeding) A162: Common redshank (non-breeding) A183: Lesser black-backed gull (breeding) A191: Sandwich tern (breeding) A195: Little tern (breeding)</p>	<p>and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p> <p>The extent and distribution of the habitats of the qualifying features;</p> <p>The structure and function of the habitats of the qualifying features;</p> <p>The supporting processes on which the habitats of the qualifying features rely;</p> <p>The population of each of the qualifying features; and</p> <p>The distribution of the qualifying features within the site.</p>	<p>management, coastal squeeze, inappropriate pest control, changes in species distributions, invasive species, air pollution, fisheries (commercial marine and estuarine)</p> <p>(Alde-Ore and Butley Estuaries SAC and Alde-Ore SPA)</p>
Benacre to Easton Bavents	<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:</p> <p>The extent and distribution of the habitats of the qualifying features,</p> <p>The structure and function of the habitats of the qualifying features,</p> <p>The supporting processes on which the habitats of the qualifying features rely,</p> <p>The population of each of the qualifying features, and,</p> <p>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>

Breydon Water (also Ramsar site)	A132(NB) <i>Recurvirostra avosetta</i> : Pied avocet A140(NB) <i>Pluvialis apricaria</i> : European golden plover A142(NB) <i>Vanellus vanellus</i> : Northern lapwing Waterbird assemblage A193(B) <i>Sterna hirundo</i> : Common tern A151(NB) <i>Philomachus pugnax</i> : Ruff A037(NB) <i>Cygnus columbianus bewickii</i> : Bewick swan	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.	Shooting/scaring, change in land management, public access/disturbance, hydrological changes, fisheries (marine and estuarine).
Broadland (also Ramsar site)	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	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,	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>H3140 Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp</p> <p>H3150 Natural eutrophic lakes with <i>Magnopotamion</i> or <i>Hydrocharition</i>-type vegetation</p> <p>S1355 <i>Lutra lutra</i>: Otter</p> <p>S1903 <i>Liparis loeselii</i>: Fen orchid</p> <p>S4056 <i>Anisus vorticulus</i>: Little ramshorn whirlpool snail</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>	
Great Yarmouth and North Denes	<p>H2110 Embryonic shifting dunes</p> <p>H2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes")</p> <p>H2150# Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>)</p> <p>H2190 Humid dune slacks, A195(B)</p> <p><i>Sterna albifrons</i>: Little Tern</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;</p> <p>The extent and distribution of the habitats of the qualifying features,</p> <p>The structure and function of the habitats of the qualifying features,</p> <p>The supporting processes on which the habitats of the qualifying features rely,</p> <p>The population of each of the qualifying features, and,</p> <p>The distribution of the qualifying features within the site.</p>	<p>Inappropriate coastal management, coastal squeeze, public access/disturbance, hydrological changes, inappropriate scrub control, inappropriate pest control, invasive species, undergrazing, air pollution</p>
Minsmere to Walberswick (also Ramsar site)	<p>H4030 European dry heaths</p> <p>H1210 Annual vegetation of drift lines</p>	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to</p>	<p>Coastal squeeze, public access/disturbance, changes in species distributions, invasive species, inappropriate pest control, air pollution,</p>

	<p>H1220 Perennial vegetation of stony banks</p> <p>A052(B) <i>Anas crecca</i>: Eurasian teal</p> <p>A021(B) <i>Botaurus stellaris</i>: Great bittern</p> <p>A081(B) <i>Circus aeruginosus</i>: Eurasian marsh harrier</p> <p>A082(NB) <i>Circus cyaneus</i>: Hen harrier</p> <p>A224(B) <i>Caprimulgus europaeus</i>: European nightjar</p> <p>A056(B) <i>Anas clypeata</i>: Northern shoveler</p> <p>A056(NB) <i>Anas clypeata</i>: Northern shoveler</p> <p>A051(B) <i>Anas strepera</i>: Gadwall</p> <p>A051(NB) <i>Anas strepera</i>: Gadwall</p> <p>A132(B) <i>Recurvirostra avosetta</i>: Pied avocet</p> <p>A195(B) <i>Sterna albifrons</i>: Little tern</p> <p>A394(NB) <i>Anser albifrons</i> albifrons: Greater white-fronted goose</p>	<p>achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <p>The extent and distribution of the habitats of the qualifying features,</p> <p>The structure and function of the habitats of the qualifying features,</p> <p>The supporting processes on which the habitats of the qualifying features rely,</p> <p>The population of each of the qualifying features, and,</p> <p>The distribution of the qualifying features within the site.</p>	<p>water pollution, deer, fisheries (commercial marine and estuarine)</p>
Outer Thames Estuary	<p>A001 (W) <i>Gavia stellata</i> Red-throated Diver</p> <p>A195 (B) <i>Sterna hirundo</i> Common Tern</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;</p>	<p>Not identified in Suffolk Coastal Final Draft Local Plan HRA. SIP identifies fisheries.</p>

	A193 (B) <i>Sternula albifrons</i> Little Tern	<p>The extent and distribution of the habitats of the qualifying features,</p> <p>The structure and function of the habitats of the qualifying features,</p> <p>The supporting processes on which the habitats of the qualifying features rely,</p> <p>The population of each of the qualifying features, and,</p> <p>The distribution of the qualifying features within the site.</p>	
Sandlings	A224: European nightjar (breeding) A246: Woodlark (breeding)	<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:</p> <p>The extent and distribution of the habitats of the qualifying features;</p> <p>The structure and function of the habitats of the qualifying features;</p> <p>The supporting processes on which the habitats of the qualifying features rely;</p> <p>The population of each of the qualifying features; and</p> <p>The distribution of the qualifying features within the site.</p>	Changes in species distributions, inappropriate scrub control, deer, air pollution, public access/disturbance.

Appendix 4: Natural England Consultation Response

From: SM-NE-Consultations (NE) <[REDACTED]>
Sent on: Monday, August 5, 2024 2:31:50 PM
To: Laura Mundy <[REDACTED]>
Subject: Re: HRA and SEA for East Suffolk draft HMO 'Exceptional Circumstances' Guidance Note
Attachments: Annex A to standard letters - May 2024.pdf (127.24 KB)

Our ref: 484149

Dear Sir/Madam

Planning consultation: HRA and SEA for East Suffolk draft HMO 'Exceptional Circumstances' Guidance Note

Thank you for your consultation on the above dated 02/08/2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Further information on when to consult Natural England on planning proposals is here- [Planning and transport authorities: get environmental advice on planning - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/planning-and-transport-authorities-get-environmental-advice-on-planning)

Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details. Although we have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, we offer the further advice and references to Standing Advice.

Natural England advises Local Planning Authorities to use the following tools to assess the impacts of the proposal on the natural environment:

Impact Risk Zones:

Natural England has provided Local Planning Authorities (LPAs) with Impact Risk Zones (IRZs) which can be used to determine whether the proposal impacts statutory nature conservation sites. Natural England recommends that the LPA uses these IRZs to assess potential impacts. If proposals do not trigger an Impact Risk Zone then Natural England will provide an auto-response email.

Standing Advice:

Natural England has published Standing Advice. Links to standing advice are in Annex A

If after using these tools, you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require Natural England's advice.

Further information on LPA duties relating to protected sites and areas is here- [Protected sites and areas: how to review planning applications - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/protected-sites-and-areas-how-to-review-planning-applications)

Further guidance is also set out in Planning Practice Guidance on the natural environment [Natural environment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/natural-environment) and on Habitats Regulations Assessment [Appropriate assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/appropriate-assessment)

Non detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

Should the proposal change, please consult us again.

Yours faithfully

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We strongly recommend using the [SSSI Impact Risk Zones \(SSSI IRZs\)](#) to decide when to consult Natural England on development proposals that might affect a

SSSI. The SSSI IRZs tool is quick and simple to use and gives instant planning advice as a formal consultation response in certain circumstances and can reduce unnecessary delays in the planning process.

Natural England offers two chargeable services - the Discretionary Advice Service, which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants, and the Pre-submission Screening Service for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

For further information on the Discretionary Advice Service see [here](#)

For further information on the Pre-submission Screening Service see [here](#)

Annex A –Natural England general advice

Protected Landscapes

Paragraph 182 of the National Planning Policy Framework - GOV.UK (www.gov.uk) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. Section 245 of the Levelling-up and Regeneration Act 2023 (legislation.gov.uk) places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or

characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) - Landscape Institute for further guidance.

Biodiversity duty

Section 40 of the Natural Environment and Rural Communities Act 2006 (legislation.gov.uk) places a duty on the local planning authority to conserve and enhance biodiversity as part of its decision making. We refer you to the Complying with the biodiversity duty - GOV.UK (www.gov.uk) for further information.

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on 'appropriate assessments'. We refer you to Appropriate assessment - GOV.UK (www.gov.uk) for more information. Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via the SSSI Impact Risk Zones (England) (arcgis.com) or as standard or bespoke consultation responses.

Protected Species

Natural England has produced Protected species and development: advice for local planning authorities (gov.uk) (standing advice) to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases. We refer you to Wildlife licences: when you need to apply - GOV.UK (www.gov.uk) for more information.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies. Emerging Local nature recovery strategies - GOV.UK (www.gov.uk) may also provide further useful information.

Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. We refer you to Habitats and species of principal importance in England - GOV.UK (www.gov.uk) for a list of priority habitats and species in England.

Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. We refer you to the Brownfield Hub - Buglife for more information and Natural England's Open Mosaic Habitat (Draft) - data.gov.uk (Open Mosaic Habitat inventory), which can be used as the starting point for detailed brownfield land assessments.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the National Planning Policy Framework (publishing.service.gov.uk) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

For further information on the timetable for mandatory biodiversity net gain, we refer you to Biodiversity Net Gain moves step closer with timetable set out - GOV.UK (www.gov.uk). Biodiversity net gain - GOV.UK (www.gov.uk) provides more information on biodiversity net gain and includes a link to the draft Biodiversity net gain - GOV.UK (www.gov.uk) Planning Practice Guidance.

The statutory biodiversity metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. We refer you to Calculate biodiversity value with the statutory biodiversity metric - GOV.UK (www.gov.uk) for more information. For small development sites, The Small Sites Metric - JP040 (naturalengland.org.uk) may be used. This is a simplified version of the statutory biodiversity metric and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features

to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

The Environmental Benefits from Nature Tool - Beta Test Version - JP038 (naturalengland.org.uk) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the statutory biodiversity metric.

Natural environment - GOV.UK (www.gov.uk) provides further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain.

Ancient woodland, ancient and veteran trees

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. The Natural England Access to Evidence - Ancient woodlands Map can help to identify ancient woodland. Natural England and the Forestry Commission have produced Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK (www.gov.uk) (standing advice) for planning authorities. It should be considered when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in the Guide to assessing development proposals on agricultural land - GOV.UK (www.gov.uk). Find open data - data.gov.uk on Agricultural Land Classification or use the information available on MAGIC (defra.gov.uk).

The Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (publishing.service.gov.uk) provides guidance on soil protection, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, we refer you to Reclaim minerals extraction and landfill sites to agriculture - GOV.UK (www.gov.uk), which provides guidance on soil protection for site restoration and aftercare. The Soils Guidance (quarrying.org) provides detailed guidance on soil handling for mineral sites.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Green Infrastructure

For evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI) we refer you to Green Infrastructure Home

(naturalengland.org.uk) (the Green Infrastructure Framework). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the 15 GI How Principles (naturalengland.org.uk). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

The Green Infrastructure Map (naturalengland.org.uk) and GI Mapping Analysis (naturalengland.org.uk) are GI mapping resources that can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 104 and 180 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. We refer you to Find your perfect trail, and discover the land of myths and legend - National Trails for information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Further information is set out in the Planning Practice Guidance on the Natural environment - GOV.UK (www.gov.uk).