

Yaxham Parish Neighbourhood Plan

Habitat Regulations Assessment - Screening Determination Report

August 2016

1. Introduction

- 1.1 This Habitat Regulations Screening Report has been undertaken in order to support the Yaxham Neighbourhood Plan which is being produced for Yaxham Parish Council by the NP4Yaxham Working Group in accordance with the Neighbourhood Planning (general) Regulations 2012.
- 1.2 The aim of this Screening Report is to assess whether there are likely to be significant effects on European Sites as a result of the emerging policies set out in the pre-submission draft Neighbourhood Plan that would necessitate the production of a full Habitat Regulations Assessment.
- 1.3 This report assesses, as far as practical, whether there are likely to be any significant effects on European Designated Sites within or relatively proximate to the approved Neighbourhood Plan area, which comprises the civil parish of Yaxham.
- 1.4 A response from Natural England was received on 17th August 2016, a copy of which can be found in Appendix 2.

Legislative basis

- 1.5 Article 6(3) of the EU Habitats Directive states that:

Any plan or project not directly connected with, or necessary to, the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

- 1.6 The purpose of the Habitat Regulations Assessment (HRA) is therefore to ensure the protection of European Designated Sites (Natura 2000) wherever practicable. European Designated Sites are designed to form an ecologically coherent network of designated spaces across Europe.
- 1.7 European Designated Sites, (Natura 2000) include **Special Protection Areas** (SPAs) and **Special Areas for Conservation** (SAC). As a matter of policy the government also expects authorities to treat **Ramsar sites**, **candidate Special Areas of Conservation** (cSAC) and **proposed Special Protection Areas** (pSPA) as if they are European Designated Sites for the purpose of considering development proposals that may affect them.

Definitions (taken from the DEFRA- Joint Nature Conservation Committee)

- **Special Protection Areas (SPAs)** are strictly protected sites classified in accordance with Article 4 of the EC Birds Directive, which came into force in April 1979. They are classified for rare and vulnerable birds and for regularly occurring migratory species.
- **Special Areas of Conservation (SACs)** are strictly protected sites designated under the EC Habitats Directive. Article 3 of the Habitats Directive requires the establishment of a European network of important high-quality conservation sites that will make a significant contribution to conserving the 189 habitat types and 788 species. The listed habitat types and species are those considered to be most in need of conservation at a European level (excluding birds).
- **Ramsar sites** are wetlands of international importance designated under the Ramsar Convention.

1.8 The Neighbourhood Planning (General) Regulations 2012, state that submitted Plans need to be accompanied by a statement explaining how the proposed Plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the Plan is compatible with EU obligations, which include the need to undertake a Habitat Regulations Assessment.

2. Approach

2.1 The first step in producing this Screening Report involves the identification of European Designated Sites within the Neighbourhood Plan area itself or in close proximity to it. European Designation Sites were identified using open-source software provided by DEFRA (Magic). The relevant European Designated Sites identified are as follows:

- a) Norfolk Valley Fens SAC.
- b) This site is present in the adjoining plan area adjacent to Yaxham Parish Boundary and the Yaxham Neighbourhood Plan boundary, and approximately and approximately 800 metres north from Yaxham village. The River Tud forms the southern boundary of the SAC.

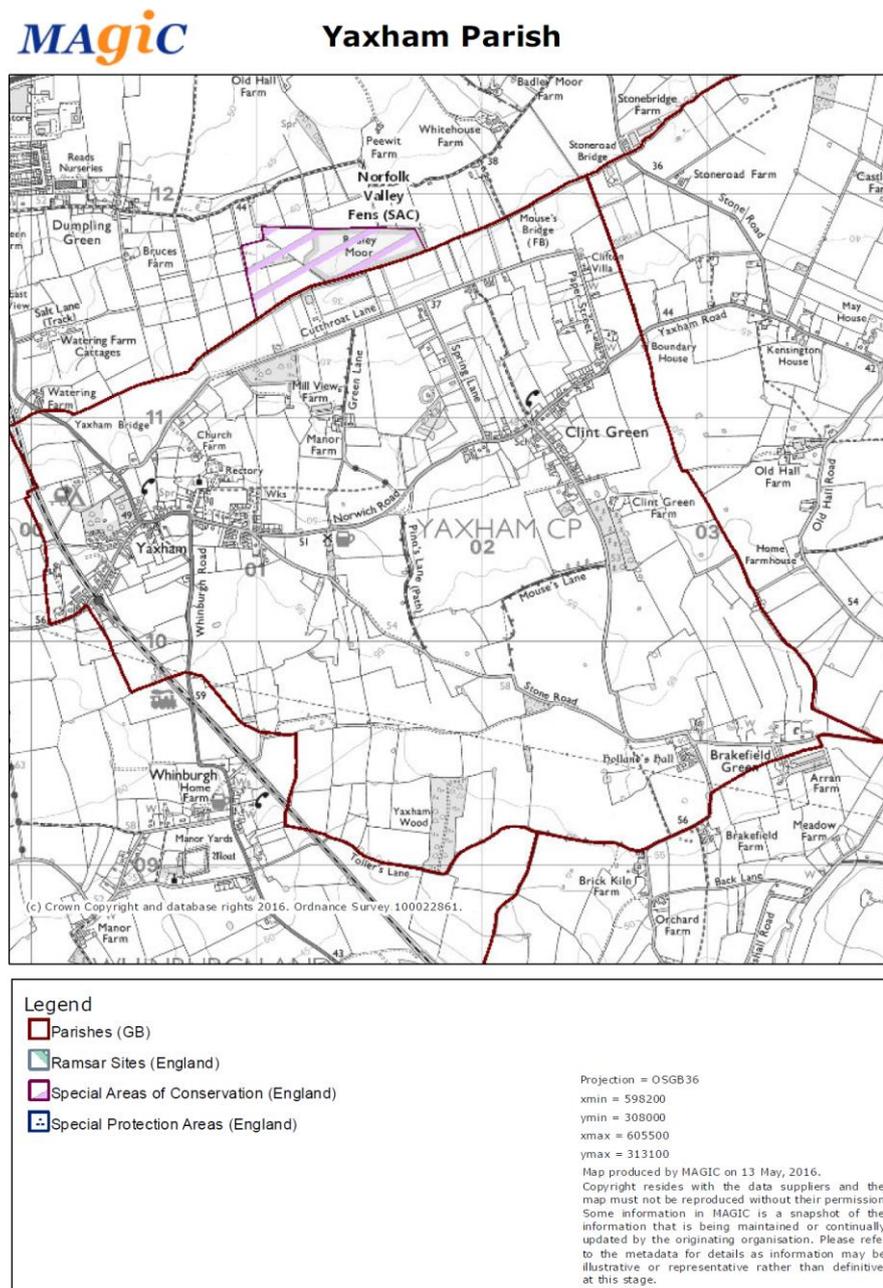


Figure 1: Yaxham parish in relation to relevant European Designated Sites

- 2.2 The features for which the Norfolk Valley Fens SAC is designated are listed at Appendix 2 along with the conservation objectives for the site.

In considering potential effects of this plan regard has been given to whether the implementation of the policies will ensure the conservation objectives for the SAC are achieved and whether any significant effects are likely.

- 2.3 Norfolk Valley Fens is one of two sites selected in East Anglia, where the main concentration of lowland Alkaline fens occurs. This site comprises a series of valley-head spring-fed fens. Such spring-fed flush fens are very rare in the lowlands. Most of the vegetation at this site is of the small sedge fen type, mainly referable to M13 *Schoenus nigricans* – *Juncus subnodulosus* mire, but there are transitions to reedswamp and other fen and wet grassland types. Six other Annex I habitats are present as qualifying features, but are not a primary reason for the selection of this site. Two Annex II species are present, narrow-mouthed whorl snail and Desmoulin's whorl snail are also a primary reason for the selection of the site. (Natural England SIP 2014).
- 2.4 The Norfolk Valley Fens SAC is underpinned by the designation of the site in UK legislation as Badley Moor Site of Special Scientific Interest (SSSI). This shares the same boundary.
- 2.5 The designated sites are sensitive to impacts from:
- Changes in water levels
 - Hydrological changes
 - Water pollution
 - Water abstraction
 - Inappropriate management i.e. leading to scrub encroachment, inappropriate cutting/mowing regime, under or over grazing,
 - Colonisation and dominance of non-native invasive species (namely Himalayan balsam, orange balsam and *Crassula helmsii*)
 - Air pollution
 - Recreational pressure.

Many of the above impacts are likely to result from agricultural management of the site and the surrounding areas which can affect the site from diffuse pollution. Part of the site is also common and open access land which can make management of impacts resulting from increases in recreational pressure difficult.

- 2.6 No other European Protected Sites have been considered in this assessment as Breckland SPA lies more than 15 km south west from Yaxham at its nearest point and Breckland SAC lies 17 km south west and are considered sufficiently distant that no likely significant effects are likely to occur from the policies of the Yaxham Parish Neighbourhood Plan.
- 2.7 The next step in the assessment is to undertake an appraisal of the extent to which the proposed policies could have a significant effect on the European Designated Sites. Specifically the assessment considers any potential effect that the policies may have on the 'qualifying features' of the European Designated Site. The 'qualifying features' for the identified European Designated Sites were set out in the Appropriate Assessment produced in support of Breckland Council's adopted Core Strategy (2009) and these are provided at Appendix 1.

3. Screening Assessment

3.1 The table below provides an assessment of any likely significant effect of each Neighbourhood Plan policy on the European Designated Sites. For the purposes of this assessment the policies appraised are those that were issued in the Yaxham Neighbourhood Plan: pre-submission draft, April 2016.

Key

-  No likely significant effect (NLSE) on the site’s qualifying features
-  Likely significant effect (LSE) on the site’s qualifying features
-  Uncertain whether it is NSLE or LSE

Neighbourhood Plan policy	Comments	Likely effect in identified sites
		Norfolk Valley Fens SAC
STR1- The Strategic Gaps	This Policy does not seek to deliver new unsustainable development and includes policies to respect the Strategic Gap (1) and environmental sensitivities between the SAC and Yaxham village. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
HOU1- Location of new residential development	<p>This Policy seeks not to permit new development beyond the current settlement boundary.</p> <p>However, indirect impacts could occur to the SAC e.g. drainage or damage resulting from increased recreational access to the SAC through an increase in population numbers.</p> <p>All applications for new developments will need to be designed to avoid impacts to the SAC. All developments, including any exceptions for future proposals for development outside the current settlement boundary, need to demonstrate they can avoid or mitigate any likely significant direct or indirect effects. Where significant effects are likely or unknown an Appropriate Assessment will be required to be assessed alone and in combination with other plans or projects and the development can only be permitted if significant effects are avoided or adequately mitigated for.</p> <p>As long as the above considerations are considered in determining applications for new residential developments the policy is unlikely to have a significant effect on any of the qualifying features.</p> <p>Policy wording should ensure that new residential development will be permitted in principle on suitable sites within the development boundary as long as this does not negatively affect Badley Moor SSSI and Norfolk</p>	NLSE

	<p>Valley Fens SAC either through direct or indirect impacts. In the list of exceptions one should be added “It is determined that no likely significant effects will occur to Norfolk Valley Fens SAC”</p>	
<p>HOU2- Housing density</p>	<p>This Policy does not seeks to deliver new housing development. The Policy seeks to only permit development at a low density of 17.5 dwellings per hectare within or abutting the development boundary only to maintain the general level of low density housing in the parish.</p> <p>Any new developments brought forward will need to be assessed for any likely significant effects e.g. relating to hydrology and recreational impacts to the SAC, part of which is common and open access land. Where significant effects are likely or unknown an Appropriate Assessment will be required to assess the proposals alone and in combination with other plans or projects and the development can only be permitted if significant effects are avoided or adequately mitigated for.</p> <p>As long as the above considerations are considered in determining applications for new residential developments the policy is unlikely to have a significant effect on any of the qualifying features.</p> <p>Policy wording should ensure that all developments will need to be designed to avoid direct or indirect impacts to the Norfolk Valley Fens SAC which abuts the parish boundary such as changes to hydrology and impacts from recreation resulting from an increase in population from new housing.</p>	<p>NLSE</p>
<p>HOU3- Scale of residential development</p>	<p>This Policy seeks to permit new development consisting of 10 homes or under on a single site.</p> <p>A single development alone is unlikely to have significant effect on the SAC. However, the policy requires that any development above this threshold comprises benefits that outweigh any adverse impacts and this would include adverse impacts to the SAC. Any proposals brought forward will need to be assessed alone and in combination for direct and indirect impacts e.g. hydrological and recreational impacts to the SAC, part of which is common and open access land.</p> <p>It is, therefore, unlikely to have a significant effect on any of the qualifying features.</p> <p>Wording of the policy should ensure that all developments will need to be designed to avoid or mitigate likely significant effects to the Norfolk Valley Fens SAC, both alone and in combination with other developments and it does not cause direct or indirect effects on the Norfolk Valley Fens SAC.</p>	<p>NLSE</p>

HOU4- Existing land use	This Policy does not seek to directly deliver new development. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
HOU5- Housing mix	This Policy does not seek to directly deliver new development and deals with mix of types. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
HOU6- Design	This Policy does not seek to directly deliver new development, as it deals with design. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
HOU7- Affordable housing	This Policy does not seek to directly deliver new development. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
ENV1- The rural village nature of Yaxham	This Policy does not seek to deliver new development and is related to the nature of development in Yaxham village. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
ENV2- Dark skies	This Policy does not seek to deliver new development and aims to limit impacts of lighting associated with developments. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
ENV3- Conservation Area & Heritage Assets	This Policy does not seek to deliver new development. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
ENV4- The local environment	This Policy is intended to enhance the natural environment and could provide positive landscape scale connectivity to the SAC.	NLSE
ENV5- Local green space designation	This Policy is intended to enhance the natural environment by designating Local Green Space and is unlikely to have a direct impact on the SAC's qualifying features. There is potential that by providing local green space near to the development boundary this will avoid indirect recreational impacts to the SAC by concentrating local recreation away from the protected site.	NLSE
ENV6- Prevention of flooding	This Policy is intended to enhance the natural environment by requiring any proposals for new development within flood risk areas or of 5 properties or more are required to provide Surface Water Management Plans. These will need to demonstrate no pollution impacts are likely to result to water flows to the River Tud which could impact on the qualifying features of the SAC. The policy is, therefore, unlikely to have a significant effect on any of the qualifying features and ensures suitable assessments of impacts to the SAC are made.	NLSE

ENV7- Sewerage provision	This Policy does not seek to deliver new development but control provision for sewage management of new developments. As developments are brought forward assessments of specific sewage and drainage proposals will need to address impacts to the qualifying features of the SAC as existing drainage systems lead to the River Tud which could impact on the protected site. It is, therefore, unlikely to have a significant effect on any of the qualifying features and provides a mechanism for ensuring suitable assessments of impacts to the SAC are made.	NLSE
ENV8- Sustainable development	This Policy does not seek to deliver new development. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
ENV9- Rights of way & footpaths	This Policy does not seek to deliver new development. It is, therefore, unlikely to have a significant effect on any of the qualifying features. It is important that in implementing this policy consideration of increases in recreational impacts to the SAC is considered and negative impacts avoided.	NLSE
ECN1- New economic development	This Policy does not seek to deliver new development and requires new economic development to avoid unacceptable environmental impacts. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
ECN2- Economic development policy	This Policy is solely related to connection to fast or superfast broadband and does not seek to deliver new development. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
TRA1- Traffic and sustainable transport	This Policy seeks to deliver sustainable transport and minimise generation of traffic. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
TRA2- Parking	This Policy does not seek to deliver new development but specifies requirements for parking provision within developments. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
COM1- Existing parish-based community services	This Policy does not seek to deliver new development. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
COM2- Developer funding priorities	This Policy does not seek to deliver new development. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE

4. Conclusion

4.1 The assessment suggests that there are likely to be no significant negative effects on the European Designated Site, Norfolk Valley Fens SAC, resulting from the Policies detailed within the draft Yaxham Parish Neighbourhood Plan.

4.2 Therefore, based on the submitted draft, an Appropriate Assessment in line with the Habitat Regulations is not required.

Appendices

Appendix 1: Details of relevant European Sites

Site	Reason for designation, trends in key species (where known)	Condition	Threats and Reasons for adverse condition	Notes/other issues
Norfolk Valley Fens SAC	Alkaline fens with two rare species of snail.		Reductions in water table and water abstraction. Spread of scrub and woodland as sites have dried out.	Upper Wissey, Thet Chalk and Blackwater/Wending Beck aquifers are in hydraulic continuity with Norfolk Valley Fens (the former, specifically with Great Cressingham Fen and Thompson Water Carr & Common)
Constituent SSSIs Badley Moor	(within 20km of Breckland District) Spring fed valley fen	100% unfavourable declining	Water abstraction, under-grazing	
Swangey Fen	Spring fed fen	47.6% favourable; 38.7% unfavourable recovering; 13.7% unfavourable no change	Scrub removal and lack of grazing Attleborough WWTW drains into a watercourse that connects to Swangey Fen	Breeding snipe
Foulden Common	Open water and rich fen with acid grassland and woodland	24.7% favourable; 26.6% unfavourable recovering; 48.7% unfavourable no change	Scrub removal, fencing and grazing- further assessment necessary	Part owned by Otter Trust
Great Cressingham Fen	Calcareous spring-fed valley fen	100% unfavourable no change	Site well managed and grazed but changes in plant communities	

Potter and Scarning Fens	Calcareous valley fen on shallow peat	100% unfavourable declining	unexplained and could be due to water abstraction Water abstraction; scrub clearance and grazing (rather than mowing) needed	Part owned by Norfolk Wildlife Trust
Thompson Water, Carr and Common	Open water and wet grassland, woodland and scrub. Nationally important invertebrate communities. Breeding and wintering wildfowl.	38.1% favourable; 49.5% unfavourable recovering; 12.4% unfavourable no change	Inappropriate scrub control and cutting/mowing	Norfolk Wildlife Trust reserve
Booton Common	Wet calcareous fen grassland, and acid heath	100% unfavourable declining	Water abstraction	Norfolk Wildlife Trust reserve. Breeding snipe
Buxton Heath	Heath with fen	100% unfavourable declining	Water abstraction	
Coston Fen	Spring line fen with calcareous mire	100% unfavourable no change	Scrub encroachment, extend grazing, eutrophication of surface water	
East Walton and Adcock's Common	Species rich grassland and basin mires	100% unfavourable declining	Water abstraction	Breeding snipe
Flordon Common	Spring fed calcareous fen and unimproved grassland	20% favourable; 80% unfavourable no change	Water abstraction	
Holt Lowes	Dry heathland with alkaline valley mire	100% unfavourable declining	Scrub encroachment	

Appendix 2: Response from Natural England

Date: 17 August 2016
Our ref: 193371



Susan Heinrich
Neighbourhood Planning Co-Ordinator
Breckland Council

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BY EMAIL ONLY

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Dear Ms Heinrich

Yaxham Neighbourhood Plan HRA Screening

Thank you for your consultation on the above received on 9 August.

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.

Natural England agrees that only the Norfolk Valley Fens Special Area of Conservation (SAC) needs to be included in this assessment as it is the only European site in proximity to Yaxham. Note that the plan area is adjacent to Badley Moor SSSI, which is a component Site of Special Scientific Interest (SSSI) of the Norfolk Valley Fens SAC. This site consists of a spring fed valley and grassland which contains an exceptional rich calcareous fen plant community.

This site is sensitive to changes in water quality and quantity, particularly due to activities that result in changes to the water table or to pollution of water sources (from runoff during construction, for example). It may also be adversely affected by recreational activity. However we note that whilst a summary of all European site features has been included in the Appendix, the report itself is lacking detail. In our view the main report needs to contain at least brief summary on the interest features and sensitivities of the Norfolk Valley Fens SAC. In particular it should consider the location of Badley Moor SSSI, the European features of the site and a discussion concerning the type of activities that could affect it. It would also be useful to explain the current level of recreational use of the site.

Furthermore whilst we agree that this level of development (if we understand the policies correctly) is unlikely to lead to a significant effect on Badley Moor SSSI and the Norfolk Valley Fens SAC, we have drawn these conclusions from our own knowledge of these sites. It is not likely that this could be deduced from the screening document as it contains little information on either site. We would therefore recommend that, to ensure the document is considered robust, it would benefit from the inclusion of additional information within both the main body of the document (as outlined above) and within the Screening Assessment as follows:

HOU3 – In our view this section requires clarification. A single development of 10 houses is unlikely to have a significant effect on the Norfolk Valley Fens SAC, but as we understand it this policy is not for the single development of 10 houses but seeks to deliver new development consisting of 10 homes or under within the plan area. If all proposed development, including for 10 houses and under will include assessment of recreational impacts (alone and in combination) then we agree this



policy would not be likely to lead to a recreational effect on the SAC, providing sufficient measures were put in place to offset any effects to the SAC. However depending where these sites were located they may cause other effects to Badley Moor, such as run off during construction, for example.

Furthermore the policy appears to assume that developments of 10 houses or under are not likely to have an effect on the SAC, but several developments of this size can easily result in a cumulative effect, particularly if they are especially close to the SSSI/SAC.

Note also that developments over 10 houses would need to 'outweigh' adverse impacts to the SAC by including mitigation rather than 'benefits'.

HOU1 – Location of new residential development

Note that even if within the settlement boundary, it is possible that a proposed development may have an indirect effect on Badley Moor SSSI due to the proximity of the site. Therefore this section needs to explain in more detail why there will not be an effect to the SAC and not simply rule out effects owing to its location within the boundary.

HOU2 – Housing Density

As above, note that even if the housing will be at low density, it still involves a proposed increase of 100 houses and so the assessment needs to take into account whether this is likely to lead to effects on Badley Moor SSSI (in the context of its European features). Recreational effects would be the main concern but hydrological affects should also be considered, depending on the location of the sites.

I hope these comments have been helpful; We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact me on 0208 0265792. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Francesca Shapland
Lead Adviser, Planning & Conservation

Appendix 3: European Site Conservation Objectives for Norfolk Valley Fens Special Area of Conservation



European Site Conservation Objectives for Norfolk Valley Fens Special Area of Conservation Site Code: UK0012892

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

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.**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath

H4030. European dry heaths

H6210. Semi-natural dry grasslands and scrubland facies: on calcareous substrates (*Festuco-Brometalia*); Dry grasslands and scrublands on chalk or limestone

H6410. *Molinia* meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*); Purple moor-grass meadows

H7210. Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae*; Calcium-rich fen dominated by great fen sedge (saw sedge)*

H7230. Alkaline fens; Calcium-rich springwater-fed fens

H91E0. Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*); Alder woodland on floodplains*

S1014. *Vertigo angustior*; Narrow-mouthed whorl snail

S1016. *Vertigo moulinsiana*; Desmoulin's whorl snail

* denotes a priority natural habitat or species (supporting explanatory text on following page)

* Priority natural habitats or species

Some of the natural habitats and species listed in the Habitats Directive and for which SACs have been selected are considered to be particular priorities for conservation at a European scale and are subject to special provisions in the Directive and the Habitats Regulations. These priority natural habitats and species are denoted by an asterisk (*) in Annex I and II of the Directive. The term 'priority' is also used in other contexts, for example with reference to particular habitats or species that are prioritised in UK Biodiversity Action Plans. It is important to note however that these are not necessarily the priority natural habitats or species within the meaning of the Habitats Directive or the Habitats Regulations.

Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") and Article 6(3) of the Habitats Directive. They must be considered when a competent authority is required to make a 'Habitats Regulations Assessment', including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where available) will all provide a framework to inform the measures needed to conserve or restore the European Site and the prevention of deterioration or significant disturbance of its qualifying features as required by the provisions of Article 6(1) and 6(2) of the Directive.

These Conservation Objectives are set for each habitat or species of a [Special Area of Conservation \(SAC\)](#). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving Favourable Conservation Status for that species or habitat type at a UK level. The term 'favourable conservation status' is defined in Article 1 of the Habitats Directive.

Publication date: 30 June 2014 – version 2. This document updates and replaces an earlier version dated 29 May 2012 to reflect Natural England's Strategic Standard on European Site Conservation Objectives 2014.