

Mattishall Neighbourhood Plan

Habitat Regulations

Assessment - Screening Report

September 2016

1. Introduction

1.1 This Habitat Regulations Screening Report has been undertaken in order to support the Mattishall Neighbourhood Plan which is being produced by Mattishall Parish Council 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 the qualifying features of 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 Mattishall.

1.4 A response from Natural England was received on 6th September 2016, a copy of which can be found in Appendix 3.

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 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.

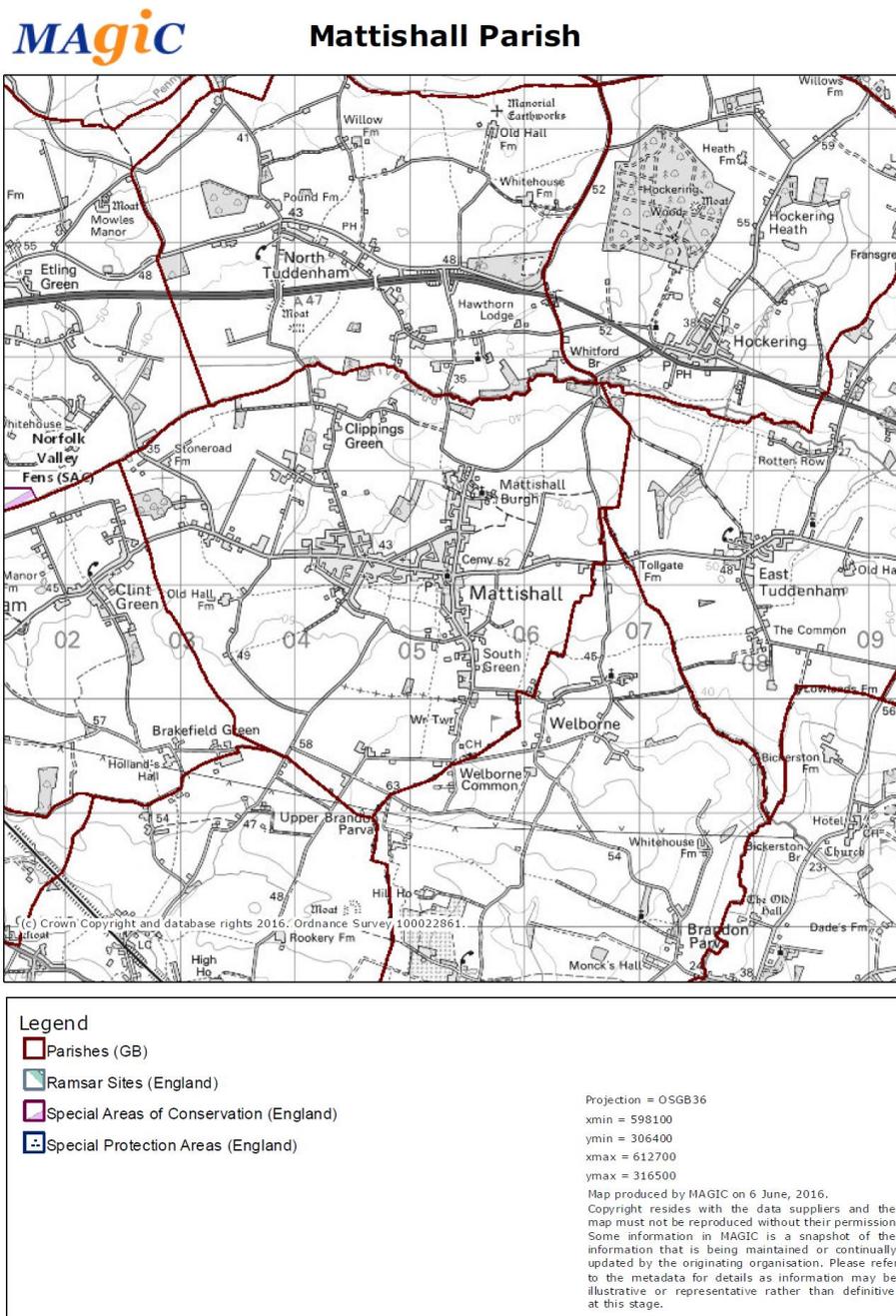
1.8 The Neighbourhood Planning (General) Regulations 2012, state that submitted Plans need to be accompanied by a statement explaining how the proposed Plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate 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 (0.5 km)

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



2.2 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 European Site are achieved and whether any significant effects are likely.

2.3 No other European Protected Sites have been considered in this assessment as Norfolk Valley Fens SAC (Thompson) is situated 16km away and Breckland SAC is situated 17km away and are considered sufficiently distant that no likely significant effects are likely to occur from the policies of the Mattishall Neighbourhood Plan.

2.4 Below is an outline of the qualifying features of the European Site and the impacts likely to affect the integrity of the protected site. The features for which the Norfolk Valley Fens is designated and its conservation objectives are appended at Appendix 2.

Norfolk Valley Fens SAC

2.5 The nearest component of the Norfolk Valley Fens SAC lies 500 m from the Mattishall parish boundary.

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

- a. 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).
- b. 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.
- c. 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

2.7 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.

2.8 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 each 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 Mattishall Neighbourhood Plan Version 1: Pre-submission draft.

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
ENV1: Conservation Areas and Heritage	This Policy seeks to maintain the heritage assets within Conservation Areas within Mattishall town centre (i.e. the built environment).	NLSE
ENV2: Important views and vistas	This Policy seeks to protect the important views and vistas.	NLSE
ENV3: Trees, hedgerows and boundaries	This policy seeks to retain hedges and trees or create new sympathetic native boundary features. This contributes to the conservation of, or creation of new, Habitats of Principal Importance such as native hedgerows and increasing landscape connectivity – objectives of Government policy such as Biodiversity 2020. Any removal of such features would be within the Mattishall parish boundary – outside the designated site and this impact is not anticipated to cause a likely significant effect on Norfolk Valley fens qualifying features.	NLSE
ENV4: Open and Local Green Space	This Policy seeks to protect Open and Local Green Space. In considering new developments Development Control will need to assess their impacts to the designated site and there is a risk that by avoiding greenspace close to Mattishall it could be pushed within an impact zone of the SAC. Consideration of likely significant effects would need to be assessed as proposals come forward and any projects designed to avoid or mitigate effects on the designated site.	NLSE
ENV5: Distinct villages	This Policy seeks to protect visual breaks between Mattishall and nearby villages/settlements and is not likely to cause adverse effects to the qualifying features of the designated site.	NLSE
ENV6:	This Policy seeks to limit the impact of noise, traffic and light	NLSE

Tranquillity and dark skies	pollution of new developments. This is not likely to have significant effect on the designated site's qualifying features and is likely to lead to positive effects.	
ENV7: Protecting and enhancing the local environment	<p>This Policy seeks to protect important local ecological sites including Badley Moor SSSI which underpins the Norfolk Valley Fens SAC. This policy also aims to maintain and enhance environmental networks and connectivity</p> <p>The application of this policy would result in a positive impact to the conservation of protected sites and biodiversity and contribute to landscape connectivity benefitting the designated site and its features. This is in line with Government Policy such as Biodiversity 2020.</p> <p>In considering development or conservation projects that may come forward it will be necessary to assess impacts, alone and in combination, to protected sites to ensure direct or indirect impacts will not occur to the designated site or its qualifying features.</p> <p>If impacts are likely an Appropriate Assessment would be required and any adverse effect to the qualifying features avoided or mitigated.</p>	NLSE
ENV8: Walking, cycling and horse riding	<p>This Policy seeks to support facilities for walking, cycling and horse riding.</p> <p>As projects come forward that enact this policy it will be necessary to assess if it is likely to lead to significant indirect impacts of increased accessibility to the designated site.</p> <p>If impacts are likely an Appropriate Assessment would be required and any adverse effect to the qualifying features avoided or mitigated. This is particularly relevant as part of the SAC is common land making the management of access difficult.</p>	NLSE
ENV9: Flood risk and drainage	<p>This Policy seeks to limit the impact of flooding.</p> <p>Consideration of flooding, abstraction, discharges and run-off to watercourses that could affect the water quality of the SAC must be considered as individual projects come forward.</p> <p>If impacts are likely an Appropriate Assessment would be required and any adverse effect to the qualifying features avoided or mitigated.</p> <p>This policy also offers the opportunity for new developments to create habitats to complement the SAC and habitat connectivity at a landscape scale.</p>	NLSE
HOU1: Size of individual developments	<p>This Policy seeks to limit the size of larger developments in the village. 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</p>	NLSE

	<p>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>	
HOU2: Phasing of development	<p>This Policy seeks to ensure housing developments are phased over the life time of the plan and require proposals provide evidence they can deliver.</p> <p>The direct or indirect impacts of phased housing developments on the integrity of the designated site will need to be considered and assessed at the outset. This would need to apply to all phases as in combination effects. If significant impacts are likely an Appropriate Assessment would be required and any adverse effect to the qualifying features avoided or mitigated.</p> <p><i>A bullet point should be added to the bullet list in this policy to strengthen it such as: "Direct and indirect impacts to designated sites such as Norfolk Valley Fens SAC/Badley Moor SSSI, Mattishall Moor SSSI, Rosie Curston's Meadow SSSI and County Wildlife Sites".</i></p>	NLSE
HOU3: Housing types	<p>This Policy seeks to ensure a varied and specific approach to housing types are provided.</p> <p>All applications for new housing will need to be designed to avoid likely significant direct or indirect impacts to the SAC. All developments will 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>	NLSE
HOU4: Affordable housing	<p>This Policy seeks to support and meet the local needs for affordable housing.</p> <p>All applications for new housing developments will need to be designed to avoid likely significant direct or indirect impacts to the SAC. All developments will 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>	NLSE
HOU5: Complement and enhance existing character of the village	<p>This Policy requires developers to demonstrate how proposals will complement and enhance the character of the village.</p>	NLSE
HOU6: High	<p>This Policy supports high quality, energy efficient and</p>	NLSE

quality and energy efficiency	sustainable development.	
HOU7: Building for Life	This Policy sets the standard for “Building for Life”.	NLSE
HOU8: Single dwellings, alterations and extensions	<p>This Policy supports certain types of housing development subject to it meeting design, accessibility and highway capacity requirements.</p> <p>All applications for new housing developments will need to be designed to avoid likely significant direct or indirect impacts to the SAC.</p> <p>All developments will need to demonstrate they can avoid or mitigate any likely significant direct or indirect effects.</p> <p>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>	NLSE
HOU9: Parking spaces for new properties	This Policy requires on-site parking with landscaping for new properties.	NLSE
COM1: New community facilities	This Policy supports new or improved community facilities. Benefits to the community could not outweigh adverse impacts to the SAC and would need to be avoided or mitigated for within the design of the project.	NLSE
COM2: Community facility change of use	This policy seeks to retain community facilities.	NLSE
COM3: Medical facilities	This Policy supports extended or improved Medical facilities. Developments that may come forward under this policy will 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.	NLSE
COM4: Early years and school expansion	<p>This Policy supports the expansion of early years and primary school expansion.</p> <p>Developments that may come forward under this policy will 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>	NLSE
COM5: Supported living and care facilities	This Policy supports the provision of supported living and residential/nursing care facilities.	NLSE

ECON1: New businesses and employment	<p>This policy aims to support new employment development subject to certain criteria.</p> <p>The need to consider the scale and environmental impact of developments that may come forward under this policy should address the need to avoid likely significant direct or indirect impacts to the designated site and be assessed under Development Control alone and in combination with other projects.</p>	NLSE
ECON2: Agricultural business	<p>This policy aims to support the development and diversification of agricultural business.</p> <p>As this will only be actioned if it does not conflict with other policies in this plan it should not result in likely significant effects.</p> <p>Developments that may come forward under this policy will 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>	NLSE
ECON3: Home-based and small businesses	This policy aims to support working from home.	NLSE
TRA1: Safe and sustainable transport	This policy aims to ensure residential and community development has good access by foot and bike as well as to public transport.	NLSE
TRA2: Public parking	This policy aims to support essential public car parking for village facilities.	NLSE
TRA3: Broadband and mobile facilities	This policy aims to support broadband and mobile connectivity subject to other policies in the plan.	NLSE
TRA4: Broadband and mobile connection	This policy aims to support broadband and mobile connectivity meets the needs of the users.	NLSE

4. Conclusion

4.1 The assessment suggests that there are likely to be no significant negative effects on the European Designated Sites, Norfolk Valley Fens SAC (0.5km) resulting from the Policies detailed within the draft Mattishall Parish Neighbourhood Plan.

4.1 Therefore, based on the submitted draft Neighbourhood Plan, a full Habitat Regulations Assessment 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 unexplained and could be due to	

Potter and Scarning Fens	Calcareous valley fen on shallow peat	100% unfavourable declining	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: Conservation Objectives for Norfolk Valley Fens SAC



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 also 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.

Appendix 3: Response from Natural England

From: Plan Cons Area Team (Norfolk, Suffolk) (NE)
[<mailto:PlanConsAreaTeamNorfolkSuffolk@naturalengland.org.uk>]
Sent: 13 September 2016 15:28
To: Heinrich, Susan <Susan.Heinrich@breckland.gov.uk>
Subject: RE: Mattishall Neighbourhood Plan - Habitats Regulations “screening” Assessment

Dear Susan

Thank you for consulting Natural England on the Habitats Regulations Assessment Screening Report for the Mattishall Neighbourhood Plan. I can confirm that we agree with the conclusions of the report, namely that an appropriate assessment will not be required in relation to the Norfolk Valley Fens SAC (or in relation to any other European or International sites). Furthermore in our view the HRA screening report does not require any amendments.

Kind regards

Francesca

Francesca Shapland

Lead Adviser, Planning & Conservation

Norfolk & Suffolk Team

Tel: 0208 0265792

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