



# Habitats Regulations Assessment of the Residential Development Brief WLP2.14 – Land North of Union Lane, Oulton

July 2021

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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 development plans 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) (as amended, including through EU exit legislation) states:

'Where a land use plan:

(a) Is likely to have a significant effect on a European sites 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

Union<sup>1</sup>, which has ruled that where mitigation is necessary this must be identified through an Appropriate Assessment.

Stage 2: Carrying out Appropriate Assessment and ascertaining the effect on site integrity. The effects of the plan on the conservation objectives of sites should be assessed, to ascertain whether the plan has an adverse effect on the integrity of a European site.

Stage 3: Identifying mitigation measures and alternative solutions. The aim of this stage is to find ways of avoiding or significantly reducing adverse impacts, so that site integrity is no longer at risk. If there are still likely to be negative impacts, the option should be dropped, unless exceptionally it can be justified by imperative reasons of overriding public interest.

- 1.5 The WLP2.14 – Land North of Union Lane, Oulton, Residential Development Brief is being produced by East Suffolk Council. The Development Brief will apply to the site allocation as identified in Policy WLP2.14 of the East Suffolk Council- Waveney Local Plan (March 2019). This report considers whether there are likely to be significant effects on habitat sites and whether a full Appropriate Assessment may be required.
- 1.6 East Suffolk Council 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. In addition, the Broads Local Plan covers the Broads Authority area of the District. Policy WLP2.14 is an allocation within the Waveney Local Plan (March 2019).
- 1.7 The Waveney Local Plan was subject to Habitats Regulations Assessment as part of its production. Where screening identified a likely significant effect, an Appropriate Assessment was undertaken and the mitigation measures identified were incorporated within the Local Plan, resulting in a conclusion that the plan will not lead to any adverse effects on Habitat sites within and in

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

the vicinity of the (then) Waveney District. All site allocations within the Local Plan (including site WLP2.14) were considered as part of the Local Plan HRA.

- 1.8 The Appropriate Assessments for both the Waveney and Suffolk Coastal Local Plans identified recreational disturbance, particularly from dog walkers, as a likely significant effect. To address this, the Council has subsequently undertaken to produce a Recreational Avoidance and Mitigation Strategy (RAMS) and requires payment towards mitigation measures 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 WLP2.14 – Land North of Union Lane, Oulton (for consistency with the distances applied within the HRA of the Waveney Local Plan and adopting the precautionary approach). The locations of the sites are shown on maps in Appendix 2 and the Qualifying Features and Conservation Objectives of the sites are contained in Appendix 3, along with a summary of the pressures and threats as documented in the Appropriate Assessment for the Local Plan.

**Table 1: Relevant habitat sites**

The Broads SAC
Benacre to Easton Bavents Lagoons SAC
Minsmere to Walberswick Heaths and Marshes SAC
Dews Ponds SAC
Southern North Sea SAC
Broadland SPA
Benacre to Easton Bavents SPA
Outer Thames Estuary SPA
Minsmere-Walberswick SPA
Broadland Ramsar
Minsmere-Walberswick Ramsar

### 3. Residential Development Brief WLP2.14 – Land North of Union Lane, Oulton

- 3.1 This HRA report reviews the Draft Residential Development Brief WLP2.14 – Land North of Union Lane, Oulton.
- 3.2 Section 1 of the development brief states that site WLP2.14 has been allocated for approximately 150 dwellings in the East Suffolk Council- Waveney Local Plan. This section summarises the purpose of the brief, explaining the relationship between the development brief and the developments management process. This section also highlights the additional documents that will need to be produced to support any future planning application on the site and sets out information on the relevant Community Infrastructure (CIL) charging zone and Recreational Avoidance and Mitigation Strategy (RAMS) (see para 1.7 above). Included here is also a link to the East Suffolk residential development HRA template which includes additional Suffolk Coast RAMS mitigation measures at Annex 1.
- 3.3 Section 2 sets out the policy context for the site, including a copy of the relevant Local Plan policy and reference to other policy requirements that may need to be addressed by any future development proposals.
- 3.4 Section 3 provides further context for the site outlining what currently exists on and around the site in terms of the built, natural and historic environments.
- 3.5 Section 4 set out what will be expected from future development proposals in response to the development considerations highlighted in section 3. This section of the residential development brief is divided into three sub-sections covering ‘creating a built form’, ‘landscape and heritage integration’ and ‘streets and movement’.

### 4. Other Plans and Projects

- 4.1 Regulation 105 of the 2017 Regulations (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 plan is the Local Plan. The East Suffolk Council- Waveney Local Plan was subject to Examination in autumn of 2018 and adopted at Full Council on 20th 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.
- 4.5 The Residential Development Brief WLP2.14 – Land North of Union Lane, Oulton adds detail to policy WLP2.14 of the Local Plan. Local Plan policy WLP2.14 allocates land north of Union Lane for a residential development of approximately 150 dwellings. The development brief sets a framework for the delivery of this quantum of development.
- 4.6 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 has subsequently considered the following themes –
- o Transport and air quality
  - o Water quality
  - o Flood risk and coastal erosion,
  - o Tourism, retail and employment development, and
  - o Recreation (described as visitation in the HRA)
- 4.7 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 effects of the Draft Residential Development Brief WLP2.14 – Land North of Union Lane, Oulton on habitat sites

- 5.1 Table 3 below considers each relevant section of the Draft Residential Development Brief WLP2.14 – Land North of Union Lane, Oulton 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 from which they hang and which have themselves been subject to Habitats Regulations Assessment, as set out in section 4 above.



**Table 3: Likely significant effects of the Draft Residential Development Brief WLP2.14 – Land North of Union Lane, Oulton**

Section	Assessment of potential impact on Natura 2000 sites	Natura 2000 sites that could possibly be affected	Likely significant effect identified	AA needed?
1. Introduction	<p>This section states that site WLP2.14 has been allocated for approximately 150 dwellings in the East Suffolk Council-Waveney Local Plan. The development brief sets a framework for delivering a quantum of development in accordance with the Local Plan policy.</p> <p>This section also highlights the additional documents that will need to be produced to support any future planning application on the site and includes reference to the relevant RAMS charging zone and the East Suffolk residential development HRA template which includes additional Suffolk Coast RAMS mitigation measures at Annex 1.</p> <p>As stated in this section, WLP2.14 falls within the 13km RAMS Zone of Influence (Zone B). Policy WLP2.14 of the Waveney Local Plan, from which this development brief ‘hangs’, was subject to the HRA Appropriate Assessment as part the production of the Local Plan. This concluded that</p>	Benacre to Easton Bavents Lagoons SAC; Benacre to Easton Bavents SPA and Minsmere to Walberswick Heaths & Marshes SAC / Minsmere-Walberswick SPA/ Ramsar.	Recreational impacts.	Yes

Section	Assessment of potential impact on Natura 2000 sites	Natura 2000 sites that could possibly be affected	Likely significant effect identified	AA needed?
	<p>residential development in this area could pose a risk in terms of increased recreational pressure.</p> <p>Potential likely significant effect on protected habitat sites from increased recreational disturbance as the result of population growth arising from increased residential development is therefore predicted.</p>			
2. Policy Context	<p>This section sets out the policy context for the site, including a copy of the relevant Local Plan policy.</p> <p>This section includes reference to the fact that development of the site might fall under schedule 2 of the EIA Regulation and that a request for screening will be required to determine whether an Environmental Assessment is required.</p> <p>Also included in section 2 is a link to the HRA template which highlights additional mitigation measures (in addition to a RAMS contribution) which maybe required.</p> <p>This section is mostly descriptive, providing links to the other policy considerations that will need to be taken into</p>	None.	None.	No.

Section	Assessment of potential impact on Natura 2000 sites	Natura 2000 sites that could possibly be affected	Likely significant effect identified	AA needed?
	account as part of any future proposals. This section will not give rise to any likely significant effects.			
3. Development Considerations	<p>This section outlines what currently exists on and around the site in terms of the built, natural and historic environments which will need to be considered by any proposal.</p> <p>This section is purely descriptive and will not give rise to any likely significant effects.</p>	None.	None.	No.
4. Development Framework- Creating a built form	<p>This section highlights what will be expected from development proposals in response to the development considerations raised in the previous section. The first sub-section relates to 'creating a built environment' and sets a framework for the design and layout of the site. This section covers detailed design considerations and will not give rise to any likely significant effects.</p>	None.	None.	No.

<b>Section</b>	<b>Assessment of potential impact on Natura 2000 sites</b>	<b>Natura 2000 sites that could possibly be affected</b>	<b>Likely significant effect identified</b>	<b>AA needed?</b>
4. Development Framework- Landscape and heritage integration	This section highlights what will be expected from development proposals in response to the development considerations raised in the previous section. The second sub-section relates to 'landscape and heritage integration' and covers key considerations that will need to be addressed as part of any future proposals. This section includes reference to the need to ensure biodiversity net gain on the site and green infrastructure improvements. The reference to green infrastructure improvements is in line with the requirements set out in the HRA record template. This section will not give rise to any likely significant effects.	None.	None.	No.
4. Development Framework- Streets and Movement	This section highlights what will be expected from development proposals in response to the development considerations raised in the previous section. The final sub-section relates to 'streets and movement', setting out the main access considerations that will need to be addressed as part of any future proposals. This section includes information on pedestrian and cycle access with reference to the need to ensure cycling and walking connections and	None.	None.	No.

Section	Assessment of potential impact on Natura 2000 sites	Natura 2000 sites that could possibly be affected	Likely significant effect identified	AA needed?
	links into the existing public rights of way. Ensuring good walking opportunities from the site is in accordance with the wider aims of the RAM strategy and the additional advice provided as part of the HRA record template. This section will not give rise to any likely significant effects.			

## 6. Appropriate Assessment

- 6.1 The screening for likely significant effects (table 3) has identified one section (section 1) for more in-depth consideration within an appropriate assessment. Once a likely significant effect has been identified, the purpose of the appropriate assessment is to examine evidence and information in more detail to establish the nature and extent of the predicted impacts, in order to answer the question as to whether such impacts could lead to adverse effects on Habitat site integrity. Competent authorities should have enough evidence to satisfy themselves that there are feasible measures to prevent adverse effects.
- 6.2 As set out in table 3 above, section 1 of the WLP2.14 – Land North of Union Lane, Oulton, Residential Development Brief has been identified as having a potential likely significant effect on habitat sites from increased recreational disturbance as the result of population growth arising from increased residential development.
- 6.3 The impact of increased recreation on the coastal and heathland habitat sites has already been recognised in Local Plan HRA work. This has led to collaborative working between the four Suffolk local planning authorities that lie within 13km of the coastal and heathland habitat sites. Taking a strategic approach to the habitat site mitigation has resulted in the development of the Suffolk Coast HRA Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).
- 6.4 The RAM Strategy is a means by which sustainable housing growth can be delivered, whilst adequately protecting Suffolk's coastal, estuarine and heathland habitat sites. It has been developed as a strategy that provides a tariff based solution to mitigating the additional recreation pressure risks associated with new development. The RAMS sets out an integrated suite of avoidance and mitigation measures that are supported by comprehensive evidence and experience gained from other habitat site mitigation strategies.
- 6.5 The level of residential growth (approximately 150 units) set out in the Residential Development Brief is equivalent to the housing number set out in the relevant Waveney Local Plan policy (WLP2.14) and it was this quantum of development that was considered as part of the HRA of the Local Plan. As

confirmed by the conclusions of the HRA of the Local Plan, the RAM Strategy is considered capable of accommodating and mitigating the impact of the levels of residential growth being promoted through the Local Plan which this development brief adds detail to.

- 6.6 The requirements of the RAMS strategy have been included in policy within the Waveney Local Plan (see policy WLP8.34 – Biodiversity and Geodiversity) and this is supported by the Recreational Disturbance, Avoidance and Mitigation Strategy Supplementary Planning Document (SPD). The Local Plan policy and Supplementary Planning Document (including the additional measure outlined in annex 1 of the HRA record template) are considered to adequately enable appropriate mitigation for the recreation impacts arising from new residential development, including that identified in the WLP2.14 – Land North of Union Lane, Oulton, Residential Development Brief.

## 7. Summary and conclusions

- 7.1 Local Plan policy WLP2.14 allocates land north of Union Lane for a residential development of approximately 150 dwellings. The Residential Development Brief WLP2.14 – Land North of Union Lane, Oulton sets a framework for the delivery of this quantum of development. The brief sets out the specific context of the site and highlights the considerations that any development on the site will need to respond to. The development brief provides additional guidance to inform the determination of planning applications on the site and should be read alongside the East Suffolk Council- Waveney Local Plan.
- 7.2 Section 1 of the WLP2.14 – Land North of Union Lane, Oulton, Residential Development Brief has been identified through the HRA screening process as having a potential likely significant effect on protected habitat sites as the result of increased recreational disturbance. However, as confirmed through the HRA of the Local Plan, the Suffolk Coast HRA Recreational Disturbance Avoidance and Mitigation Strategy provides adequate measures to mitigate this impact and the Development Brief further secures these. This therefore enables a conclusion that the WLP2.14 – Land North of Union Lane, Oulton, Residential Development Brief will not lead to any adverse effects on the integrity of habitat sites to be reached.
- 7.3 The draft Screening Statement was published for consultation alongside the draft development brief. Natural England, as the appropriate nature conservation body, were consulted on the draft Screening Statement and confirmed that they agree with the conclusions. Their comments can be found in Appendix 4.

Signed:



Dated: 8<sup>th</sup> July 2021

Desi Reed  
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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

### RAMSAR



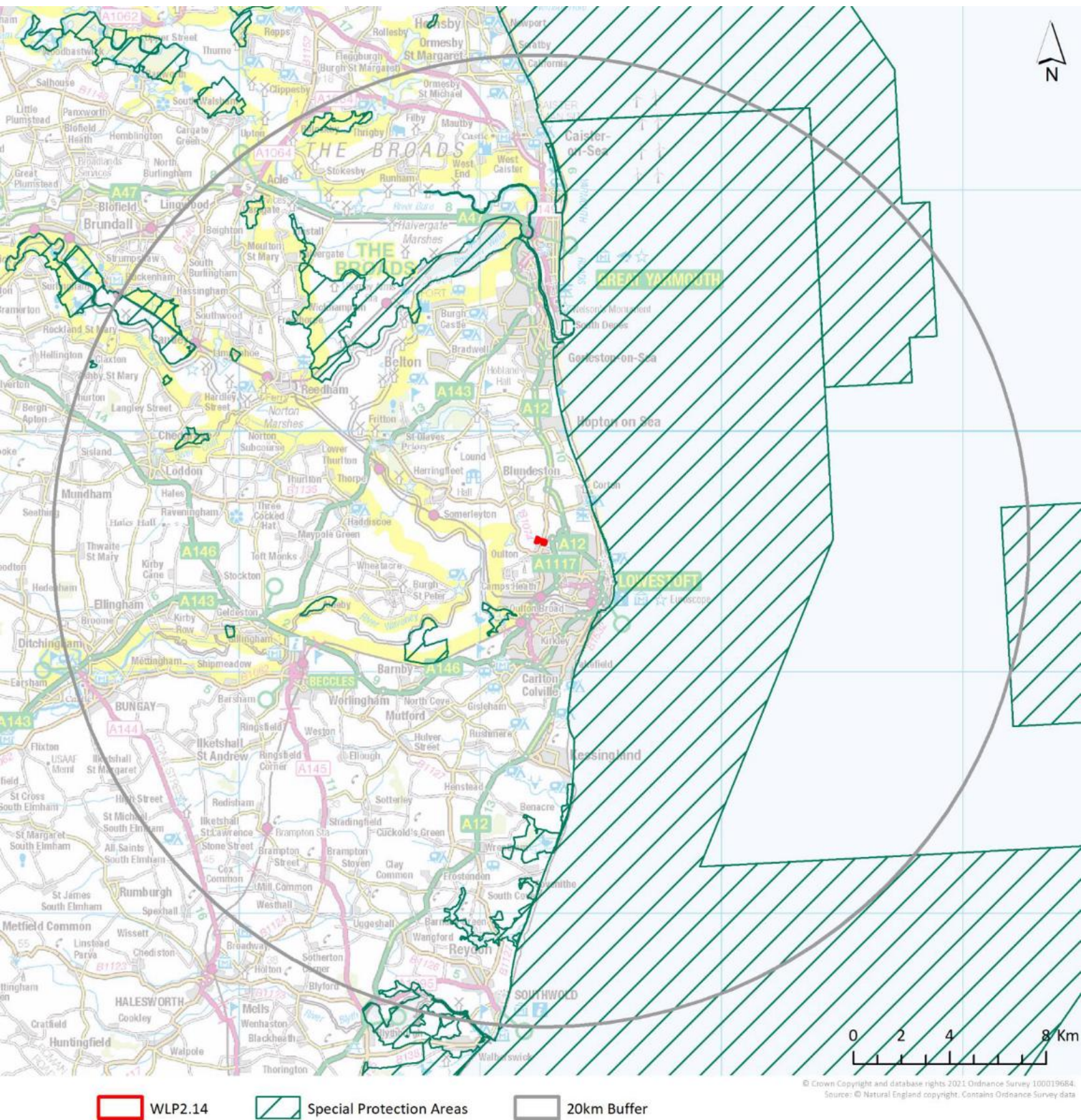


## Special Areas of Conservation





## Special Protection Areas



### Appendix 3: Relevant habitat sites

Name	Qualifying features (# denotes UK special responsibility)	Conservation Objectives	Pressure and threats (as summarised in the Habitats Regulations Assessment for the Waveney Local Plan)
Alde-Ore and Butley Estuaries SAC, Alde-Ore Estuary SPA	<p>H1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)</p> <p>H1130 Estuaries</p> <p>H1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>A151(NB) <i>Philomachus pugnax</i>: Ruff</p> <p>A132(NB) <i>Recurvirostra avosetta</i>: Pied avocet</p> <p>A081(B) <i>Circus aeruginosus</i>: Eurasian marsh harrier</p> <p>A162(NB) <i>Tringa totanus</i>: Common redshank</p> <p>A132(B) <i>Recurvirostra avosetta</i>: Pied avocet</p> <p>A183(B) <i>Larus fuscus</i>: Lesser black-backed gull</p> <p>A191(B) <i>Sterna sandvicensis</i>: Sandwich 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 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;</p> <p>The supporting processes on which qualifying natural habitats rely.</p>	<p>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)</p>

	A195(B) <i>Sterna albifrons</i> : Little tern		
The Broads SAC, Broadlands SPA (also Ramsar Site)	<p>H7210# Calcareous fens with <i>Cladium mariscus</i> and species of the Caricion davallianae</p> <p>S1016 <i>Vertigo moulinsiana</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 (Molinion caeruleae)</p> <p>H91E0# Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (AlnoPadion, Alnion incanae, Salicion albae)</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 Magnopotamion or Hydrocharition-type vegetation</p> <p>S1355 <i>Lutra lutra</i>: Otter</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>

	S1903 <i>Liparis loeselii</i> : Fen orchid S4056 <i>Anisus vorticulus</i> : Little ramshorn whirlpool snail		
Benacre to Easton Bavents Lagoon SAC, Benacre to Easton Bavents SPA	H1150# Coastal lagoons, A195(B) <i>Sterna albifrons</i> : Little tern A021(B) <i>Botaurus stellaris</i> : Great bittern A081(B) <i>Circus aeruginosus</i> : Eurasian marsh harrier	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; The extent and distribution of qualifying natural habitats, The structure and function (including typical species) of qualifying natural habitats, and, The supporting processes on which qualifying natural habitats rely.	Public access/disturbance, water pollution, physical modification, changes in species distributions, fisheries (marine and estuarine).
Breydon Water SPA	Waterbird assemblage A037(NB) <i>Cygnus columbianus bewickii</i> : Bewick swan 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	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,	Shooting/scaring, change in land management, public access/disturbance, hydrological changes, fisheries (marine and estuarine).



	A151(NB) <i>Philomachus pugnax</i> : Ruff A193(B) <i>Sterna hirundo</i> : Common tern	The structure and function (including typical species) of qualifying natural habitats, and, The supporting processes on which qualifying natural habitats rely.	
Dew's Pond SAC	S1166 <i>Triturus cristatus</i> : Great crested newt	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; The extent and distribution of qualifying natural habitats, The structure and function (including typical species) of qualifying natural habitats, and, The supporting processes on which qualifying natural habitats rely.	None identified.
Haisburgh, Hammond and Winterton SAC	H1110 Sandbanks which are slightly covered by sea water all the time H1170 Reefs	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,	Feature location/extent/condition unknown, fisheries (commercial marine and estuarine)



		The structure and function (including typical species) of qualifying natural habitats, and, The supporting processes on which qualifying natural habitats rely.	
Minsmere to Walberswick Heaths and Marshes SAC, Minsmere to Walberswick SPA (also Ramsar site)	H4030 European dry heaths H1210 Annual vegetation of drift lines H1220 Perennial vegetation of stony banks A052(B) <i>Anas crecca</i> : Eurasian teal A021(B) <i>Botaurus stellaris</i> : Great bittern A081(B) <i>Circus aeruginosus</i> : Eurasian marsh harrier A082(NB) <i>Circus cyaneus</i> : Hen harrier A224(B) <i>Caprimulgus europaeus</i> : European nightjar A056(B) <i>Anas clypeata</i> : Northern shoveler A056(NB) <i>Anas clypeata</i> : Northern shoveler A051(B) <i>Anas strepera</i> : Gadwall A051(NB) <i>Anas strepera</i> : Gadwall A132(B) <i>Recurvirostra avosetta</i> : Pied avocet A195(B) <i>Sterna albifrons</i> : Little tern A394(NB) <i>Anser albifrons albifrons</i> : Greater white-fronted goose	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring; The extent and distribution of qualifying natural habitats, The structure and function (including typical species) of qualifying natural habitats, and, The supporting processes on which qualifying natural habitats rely.	Coastal squeeze, public access/disturbance, changes in species distributions, invasive species, inappropriate pest control, air pollution, water pollution, deer, fisheries (commercial marine and estuarine)

Norfolk Valley Fens SAC	<p>H7210# Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i></p> <p>S1014 <i>Vertigo angustior</i>: Narrow-mouthed whorl snail</p> <p>H6210# Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>)</p> <p>S1016 <i>Vertigo moulinsiana</i>: Desmoulin's whorl snail</p> <p>H4030 European dry heaths</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>AlnoPadion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)</p> <p>H4010 Northern Atlantic wet heaths with <i>Erica tetralix</i></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,</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>	<p>Inappropriate water levels, inappropriate scrub control, hydrological changes, water pollution, inappropriate cutting/mowing, water abstraction, undergrazing, overgrazing, invasive species, change in land management, changes in species distributions, air pollution.</p>
Outer Thames Estuary SPA	<p>A001 (W) <i>Gavia stellata</i> Red-throated Diver</p> <p>A195 (B) <i>Sterna hirundo</i> Common Tern</p> <p>A193 (B) <i>Sternula 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 Favourable Conservation Status of its</p>	<p>None identified in Waveney Local Plan HRA. SIP identifies fisheries.</p>

		Qualifying Features, by maintaining or restoring; The extent and distribution of qualifying natural habitats, The structure and function (including typical species) of qualifying natural habitats, and, The supporting processes on which qualifying natural habitats rely.	
Sandlings SPA	A224: European nightjar (breeding) A246: Woodlark (breeding)	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.	Changes in species distributions, inappropriate scrub control, deer, air pollution, public access/disturbance.
Southern North Sea SAC	1351: Phocoena phocoena	Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation	Not identified in Waveney Local Plan HRA.

		Status of its Qualifying Features by maintaining or restoring:	
Winterton-Horsey Dunes SAC, Great Yarmouth North Denes SPA	H2110 Embryonic shifting dunes H2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes") H2150# Atlantic decalcified fixed dunes (Calluno-Ulicetea) H2190 Humid dune slacks, A195(B) <i>Sterna albifrons</i> : Little Tern.	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.	Inappropriate coastal management, coastal squeeze, public access/disturbance, hydrological changes, inappropriate scrub control, inappropriate pest control, invasive species, undergrazing, air pollution

## Appendix 4: Natural England Consultation Response

### Full response to draft development brief

Date: 23 June 2021  
Our ref: 352582  
Your ref:



planningpolicy@eastsuffolk.gov.uk

**BY EMAIL ONLY**

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**Planning consultation:** Residential Development Brief for WLP2.14, 150 homes.  
**Location:** Land north of Union Lane, Oulton

Thank you for your consultation on the above dated 10 May 2021 which was received by Natural England on the same date.

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.

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

##### **NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation a development in this location would:

- have an adverse effect on the integrity of the following European sites:
  - Benacre to Easton Bavents Lagoons Special Area of Conservation (SAC)
  - Benacre to Easton Bavents Special Protection Area (SPA)
- damage or destroy the interest features for which Pakefield to Easton Bavents SSSI Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- We advise that an upfront financial contribution of £321.22 per dwelling should be secured to contribute to the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'), to mitigate the recreational disturbance impacts to designated sites by this development.
- As this development is within the RAMS 13km zone of influence and is for 50+ units, we advise that the development brief should include the provision of well-designed open space/green infrastructure (GI) that is proportionate to its scale to minimise any predicted increase in recreational pressure to designated sites, by containing the majority of recreation within and around the development site boundary. Please refer to Annex I which details the minimum provisions that on-site open space/GI, should include.

We advise that an appropriate obligation is attached to the development brief to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

### Habitats Regulations Assessment

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given. We advise that the mitigation requirements are clearly labelled within the development brief to ensure that developer expectations are appropriately aligned with the mitigation measures identified by the Appropriate Assessment.

### Further advice on mitigation

It has been identified that this development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy ('RAMS'). It is anticipated that new residential development (including new tourist accommodation) in this area is 'likely to have a significant effect' on the sensitive interest features of these European designated sites, through increased recreational pressure when considered either alone or 'in combination' with other plans and projects.

The RAMS has been put in place to ensure that the additional recreational pressure due to increasing levels of housing across the county is not likely to lead to an adverse effect on European designated sites on the Suffolk coast. The strategy allows mitigation to be dealt with on a strategic level, so that the relevant councils, Natural England and relevant stakeholders are able to work together to provide the best outcomes for the designated sites. It also has the benefit of streamlining the process, so reducing the amount of time taken to process individual residential planning applications for the councils and Natural England.

Natural England worked collaboratively with all the relevant councils to set up the strategy. We fully support the aims of the strategy; in our view it is the best way to provide appropriate avoidance and mitigation or measures for the European sites in question. As such, we advise that a suitable contribution to the Suffolk Coast RAMS should be sought from this residential development to ensure that the delivery of the RAMS remains viable. If this does not occur then the per house tariff in the adopted RAMS will need to be increased to ensure the RAMS is adequately funded. We therefore advise that you should not grant permission for any related application until such time as the implementation of this measure has been secured.

Furthermore, it is considered that for larger residential developments (50 units +, or equivalent, as a guide) within the 13 km Suffolk Coast RAMS zone of influence, or some smaller residential developments that are in very close proximity (200m or less) to designated sites are not able to fully mitigate the adverse impacts on European designated sites with a RAMS payment alone. Natural England recommends therefore that these developments include the provision of well-designed open space/green infrastructure (GI) that is proportionate to its scale to minimise any predicted increase in recreational pressure to designated sites, by containing the majority of recreation within and around the development site boundary.

Please refer to Annex I which details the minimum provisions that on-site open space/GI, should include.



#### **Site of Special Scientific Interest (SSSI)**

Providing appropriate mitigation is secured to avoid impacts upon the European site(s) occurring there should be no additional impacts upon the SSSI interest features.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

#### **Other advice**

In addition, Natural England would advise on the following issues.

#### **Protected Landscapes**

The proposed development is for a site within or close to a nationally designated landscape namely The Broads National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

The landscape advisor/planner for the National Park will be best placed to provide you with detailed advice about this development proposal. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the park's management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Relevant to this is the duty on public bodies to 'have regard' for those statutory purposes in carrying out their functions (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended)). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

#### **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 other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider GI. Relevant aspects of local authority GI strategies should be delivered where appropriate.

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

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access.

Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer.

#### **Biodiversity Net gain**

Biodiversity net gain is a key tool to help nature's recovery and is also fundamental to health and wellbeing as well as creating attractive and sustainable places to live and work in. We draw your attention to Para 170, point d and Para 175, point d of the National Planning Policy Framework which states that:

*Para 170: "Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".*

*Para 175: "When determining planning applications, local planning authorities should apply the following principles:*

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity".*

Natural England considers that all development, even small scale proposals, can make a contribution to biodiversity. Your authority may wish to refer to [Technical Note 2](#) of the CIEEM guide which provide useful advice on how to incorporate biodiversity net gain into developments.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex II.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

If you have any queries relating to the advice in this letter please contact me on 07768 237040.

Should the proposal change, please consult us again.

Yours sincerely

Sam Kench  
Norfolk and Suffolk Team



### **Annex I – Natural England's recommendations for larger scale residential developments within the 13 km Suffolk Coast RAMS zone of influence (50 units +, or equivalent, as a guide)**

Developments of this scale should include provision of well-designed open space/green infrastructure, proportionate to its scale.

Whilst recreational disturbance has a number of impacts on designated sites (i.e. trampling, litter), one of the most significant impacts is the visual and noise disturbance of birds for which the SPAs are designated (although other site features are also affected). These birds are sensitive to disturbance from recreational walkers, cyclists etc. and in particular dogs off leads. With this site in close proximity to the European designated sites, it is considered that residents are likely to use these designated sites for undertaking regular recreational activities such as dog walking. Dog owners require space to walk their dogs off lead close to home and away from traffic, once or twice per day. If the onsite green space does not give adequate dog walking provision, most owners will travel elsewhere. Well-designed GI should positively accommodate off-lead exercising of dogs, in areas where this causes the least conflict with other resident's interests such as cycling, children's play equipment, sports activities and people seeking to minimise contact with dogs. We recommend that the developer consults relevant guidance and best practice documents such as [Planning for Dog Ownership in New Developments: Reducing Conflict – Adding Value](#) and incorporates these principles within proposed application designs.

The applicant may wish to consider to benchmark standards for accessible natural greenspace, the TCPA have published [Guides and Principles for Garden Communities](#), and Guide 7, Principal 9, references 40% GI as a target quantum. The [Suitable Accessible Natural Green Space \(SANGS\)](#) guidance can be helpful in designing this; it should be noted that this document is specific to the SANGS creation for the Thames Basin Heaths, although the broad principles are more widely applicable. GI design should seek to achieve the Natural England Accessible Natural Greenspace Standards, detailed in [Nature Nearby](#), including the minimum standard of 2ha informal open space within 300m of everyone's home.

Such provisions can help minimise any predicted increase in recreational pressure to the European sites by containing the majority of recreation within and around the development site boundary away from European sites. We advise that the Suitable Accessible Natural Green Space (SANGS) guidance here can be helpful in designing this; it should be noted that this document is specific to the SANGS creation for the Thames Basin Heaths, although the broad principles are more widely applicable. As a minimum, we advise that such provisions should include:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km<sup>1</sup> within the site and/or with links to surrounding public rights of way (PRoW)
- Dedicated 'dogs-off-lead' areas
- Signage/information leaflets to householders to promote these areas for recreation
- Dog waste bins
- A commitment to the long term maintenance and management of these provisions

Natural England would be happy to advise developers and/or their consultants on the detail of this at the pre-application stage through our charged Discretionary Advice Service (DAS), further information on which is available [here](#).

- However, the unique draw of the above European sites means that, even when well-designed, 'on-site' provisions are unlikely to fully mitigate impacts when all residential

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<sup>1</sup> Taken from *Jenkinson, S., (2013), Planning for dog ownership in new developments: reducing conflict – adding value. Access and greenspace design guidance for planners and developers*

development within reach of the coast is considered together 'in combination'. We therefore advise that consideration of 'off-site' measures (i.e. in and around the relevant European designated site(s)) is also required as part of the mitigation package for predicted recreational disturbance impacts in these cases. Such measures are to be delivered strategically through the Suffolk Coast RAMS to make the sites more resilient to increased recreational pressures. A proportionate financial contribution should therefore be secured from these developments in line with the Suffolk Coast RAMS.

## Annex II - Generic advice on natural environment impacts and opportunities

### Sites of Special Scientific Interest (SSSIs)

Local authorities have responsibilities for the conservation of SSSIs under s28G of the Wildlife & Countryside Act 1981 (as amended). The National Planning Policy Framework (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

### Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.

### Protected Species

Natural England has produced standing advice<sup>2</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. 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.

Priority habitats and Species are of particular importance for nature conservation and 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. The list of priority habitats and species can be found here<sup>3</sup>. 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, further information including links to the open mosaic habitats inventory can be found here.

### Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities 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 SSSI or in exceptional circumstances.

### Protected landscapes

For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and

<sup>2</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

<sup>3</sup> <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>



information to determine the proposal. The National Planning Policy Framework (NPPF) (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

#### **Landscape**

Paragraph 170 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 in order to respect 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 & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

#### **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 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*, and we recommend its use in the design and construction of development, including any planning conditions. 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.

#### **Environmental enhancement**

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.

- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, GI or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
  - Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
  - Planting additional street trees.
  - Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).