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PRELIMINARY REPORT - FOR INFORMATION PURPOSES ONLY

Habitats Regulations Assessment Screening Report

Land at Great Barton, Suffolk

On Behalf of:

Montagu Evans

November 2020

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1.0 Introduction

Purpose of this Report

- 1.1 This Habitats Regulations Assessment (HRA) Screening Report has been prepared on behalf of Montagu Evans (the 'Applicant') in relation to their proposals for the development of land approximately 12.9ha in size. A site boundary plan is provided in Appendix 1. The site is allocated for both residential and non-residential purposes within the Great Barton Neighborhood Plan 2019-2014 (Great Barton Neighborhood Plan Working Group 2020) (hereafter referred to as 'the Plan'). At this stage capacity plans are yet to be confirmed and therefore this document is based upon the maximum of 150 residential units stated within the allocation set out in the Plan.
- 1.2 The HRA relates specifically to potential impacts on sites protected under the Conservation and Habitats Regulations (2017) including Special Protection Areas (SPA) and Special Areas of Conservation (SAC), which are European designated sites (Natura 2000 Sites) and Ramsar Wetlands of International Importance (Ramsar sites), and species and habitats which are listed as features in the citations of these designated sites. Together these are referred to as 'protected sites.'

Background to HRA Process

- 1.3 The HRA process is a four-stage stepwise process to ensure that there are no direct or indirect impacts on the site integrity (qualifying habitats or species) arising from a proposed development on a designated or proposed protected site. In summary these are:
- **Stage 1 – Screening:** To test whether a plan or project either alone or in-combination with other plans and projects (in-combination) is likely to have a significant effect on a protected site;
 - **Stage 2 – Appropriate Assessment:** To determine whether, in view of a protected site's conservation objectives, the plan, either alone or in-combination, would have an adverse effect, or even a risk of this, on the integrity of the site with respect to the site structure, function and conservation objectives. If adverse impacts are anticipated, potential mitigation measures to alleviate impacts should be proposed and assessed;
 - **Stage 3 – Assessment of Alternatives:** Where a plan is assessed as having an adverse impact, or risk of this, on the integrity of an international site even with mitigation in place, there should be an examination of alternatives such as alternative locations and designs of development; and,
 - **Stage 4 – 'IROPI':** Final stage assessment where there are no alternative solutions and where adverse impacts remain. Only where there are 'imperative reasons of overriding public interest' (IROPI), compensatory measures may be agreed and provided to offset adverse impacts and so maintain the overall coherence of the site or integrity of the European site network.
- 1.4 The first two steps in the HRA sequential process are relevant to the development proposals and these are the screening and appropriate assessment stages, as described below.
- 1.5 Following a recent European court ruling (Court of Justice of the European Union on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (date: April 2018, ref: C 323/17)), mitigation measures cannot be considered when deciding whether a plan or project is likely to have a significant effect on a European site. A competent authority must take account of measures intended to avoid or reduce the harmful effects of a plan or project as part of the Appropriate Assessment. Only then can a conclusion be drawn as to whether the plan or project will

have an adverse effect on the integrity of the site. This overrules the approach under English law that incorporated mitigation and avoidance measures can (and should) be considered at the screening stage when judging the likelihood of a significant effect.

Stage 1: Screening

1.6 Issues to consider and include within an HRA screening assessment include:

- a description of the development, processes, timings, and method of work;
- proposed details of the methods used to determine which protected sites to include within the assessment;
- a description of the protected site(s) and all associated interest features potentially affected;
- an outline and interpretation of baseline data;
- an appraisal of the project's likely significant effects (LSE) on the protected site(s); and
- an appraisal, where known, of other plans or projects likely to have a significant effect in combination with the proposed development.

Stage 2: Appropriate Assessment

1.7 Where required, in addition to the issues set out under 'Stage 1: Screening', the HRA report should include the following:

- evidence about the project's impacts on the integrity of protected sites;
- a description of any mitigation measures proposed which avoid or reduce each impact, and any residual effect; and
- the timing of mitigation measures in relation to the progress of the development.

Relevant Background Information

1.8 The West Suffolk Local Plan consists of the former Forest Heath area (FHDC) and former St. Edmundsbury area (SEBC). The adopted Local Plan for SEBC will continue to apply until the new Local Plan for West Suffolk is adopted. The SEBC Local Plan includes the Core Strategy (2010) and a Joint Development Management Policies Document (2015) with policies related to development that may adversely impact European Sites. The SEBC states that:

"Any development that cannot demonstrate that it would not have a significant adverse effect upon the integrity of a European site, or that impacts can be adequately mitigated, will be refused..."

1.9 In addition, Policy CS2 of the SEBC Core strategy includes the following avoidance and mitigation measures to ensure the Core Strategy is not likely to have a significant effect on the Breckland SPA:

1. The identification of a 1,500m buffer zone from the edge of those parts of the SPA that support or are capable of supporting stone curlews
2. The identification of a 400m buffer zone from the edge of those parts of the SPA that support or are capable of supporting nightjar or woodlark.

1.10 The SEBC Core strategy states that development in either of these buffers that could lead to an adverse effect on the integrity of the SPA will not be allowed.

1.11 Recreational disturbance Avoidance & Mitigation Strategies (RAMS) have been devised for other European Sites including the Essex Coastal RAMS and Suffolk Coast RAMS. Recreational Zones of Influence (ZOI) were devised for these areas based upon visitor survey research undertaken at specific European Sites. While there is no established ZOI for the Breckland SPA, a buffer distance of 7.5km has been advised by Natural England as stated within the Forest Heath area of West Suffolk Council Site Allocations Local Plan (SALP) (West Suffolk Council 2019).

Site Description

1.12 The site covers approximately 12.9 ha of arable farmland with plantation woodland, hedgerows, and trees. It is located to the northeast of Great Barton on a triangular piece of land bound by roads including the Mill Road (B1106) to the north, the A142 to the southeast and School Road to the west. The site is approximately 3km northeast of the town of Bury St. Edmunds. The location is shown within Appendix 1.

Development Proposals

1.13 Proposals for the site are yet to be confirmed however the allocation with the Plan provides a concept diagram which developers are expected to have regard to while preparing proposals for the site. The concept diagram identifies an area for community uses and a 7.5ha area for residential housing with a suggested maximum site capacity of up to 150 homes. A Preliminary Ecological Appraisal (PEA) has been prepared for the site to identify potential ecological constraints and opportunities (SES, 2020).

2.0 European Designated Sites

2.1 A review of designated sites has been undertaken in order to identify the European/ international sites to be considered in this HRA screening report. The site does not fall within the Zone of Influence for the Suffolk Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS). The only European site within 10km is Breckland SPA at c. 8.5km northwest. All other sites are considered at such a distance that impacts are unlikely and are therefore not considered within this screening report.

2.2 The Breckland lies on largely sandy soils with areas of dry heath and grassland communities that support heathland breeding birds. The Breckland SPA is 39433.66 ha in size and underpinned by numerous component SSSI's. The site qualifies under article 4.1 of the Directive (79/409/EEC) as it is used regularly by 1% or more of the Great Britain populations of the following species listed in Annex I in any season:

- Stone curlew *Burhinus oedicnemus*
- Nightjar *Caprimulgus europaeus*
- Woodlark *Lullula arborea*

2.3 Natural England (2019) has published the conservation objectives of the SPA and these are as follows:

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.

3.0 Screening Stage - Assessment of Likely Significant Effects

3.1 This section of the report includes an assessment of the likely significant effects from the proposed development on the Breckland SPA.

3.2 The site lies within the Impact Risk Zone (IRZ) identified by Natural England (<https://magic.defra.gov.uk/magicmap.aspx>) where the following impacts are listed as likely to have an impact of designated sites:

- All planning applications (except householder) outside or extending outside existing settlements/urban areas affecting greenspace, farmland, semi natural habitats or landscape features such as trees, hedges, streams, rural buildings/structures.
- Airports, helipads and other aviation proposals.
- Livestock & poultry units with floorspace > 500m², slurry lagoons > 750m² & manure stores > 3500t.
- General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.
- Any discharge of water or liquid waste of more than 20m³/day to ground (ie to seep away) or to surface water, such as a beck or stream (NB This does not include discharges to mains sewer which are unlikely to pose a risk at this location).

3.3 From a review of the above likely impacts, the type of development proposed is considered unlikely to impact any designated sites including the Breckland SPA. The site is considered within the extent of existing settlements/urban areas of Great Barton and any discharge of water will adhere to standard requirements within flood risk and drainage strategies.

3.4 At 8.5km from the site, Breckland SPA is considered at such a distance that there will be no significant direct effects from the proposals. The habitats within the SPA including dry heath and grassland which supports its qualifying features are not found within the proposed development site and therefore the site is unlikely to support the qualifying features of the SPA. In addition, the site is beyond the 1500m and 400m buffers states in the SEBC Core strategy where impacts are considered likely. Furthermore, the site is beyond the 7.5km buffer stated within the Forest Heath area of West Suffolk Council Site Allocations Local Plan (SALP) where increase from recreational disturbance could impact the integrity of the SPA.

4.0 Conclusion

- 4.1** An assessment of the proposed development has been undertaken to determine whether the proposals will result in a LSE on the integrity of the Breckland SPA.
- 4.2** The site is at such a distance that no direct or indirect impacts including those from increased recreational disturbance are considered to have a LSE on the integrity of the HRA alone or in combination with any other plans/projects. The site is therefore screened out of requiring an Appropriate Assessment.
- 4.3** A capacity plan is yet to be produced for the scheme however given the distance of the site beyond the specified buffers where recreational disturbance is considered likely, any amendments to the concept design which states a maximum of 150 residential units, is not considered to impact the findings of this screening report.

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5.0 References

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Appendix 1: Site Location Plan

