



WILD FRONTIER ECOLOGY

Habitats Regulations Assessment of Proposed Submission Document



Update

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Introduction

In the HRA of the Borough's Regulation 25 document, produced in July 2009, the Habitats Regulations Assessment included the following paragraph in its conclusions:

In accordance with Regulation 85B(1) of the Habitats Regulations, the final Core Strategy, as presented for Examination should be re-checked to ensure that it can be ascertained that the plan in its final form is fully compliant, and that any potential adverse effects upon the integrity of any European site have been either avoided or mitigated for.

This paragraph was inserted to cross-check that changes recommended in the original HRA have been satisfactorily addressed by the Council. This brief report reviews the final proposed submission document to ascertain that it does properly address issues raised, and also reviews subsequent changes detailed in the Council's Focused Changes document published in August 2010.

Section 1. Addressing the Changes Recommended in the HRA

Table 2 of the HRA of the Regulation 25 document is repeated below, together with the actions taken in the subsequent document to modify original policies. It should be noted that the policy numbers are changed within the proposed submission document and are therefore cross-referenced in the left-hand column.

Table 1. Appropriate Assessment Table 2 with modification.

European Sites and mechanisms for impacts	Can it be ascertained it will not adversely affect the integrity of the European Site?	Can it be carried out in a different way or be conditioned or restricted?	Modification to original policy	Can it be ascertained that the modified policy will not adversely affect the integrity of the European Site
<p>European Site: Breckland SPA</p> <p>Possible Mechanism(s): Direct Impacts - Proximity And Disturbance.</p> <p>Affected Policies: CS1 Housing And Jobs <i>(Refers to policies CS01 and CS09 in the proposed submission document)</i> CS2 Settlement Hierarchy <i>(Refers to policy CS02 in the proposed submission document)</i> CS7 Rural Development <i>(Refers to policy CS06 in the proposed submission document)</i> CS10 Housing Distribution <i>(Refers to policy CS09 in the proposed submission document)</i></p>	No	The policy can be altered to take into account disturbance/ displacement to stone curlews around Breckland SPA, in line with the approach taken by neighbouring local authorities.	<p>New built development will be restricted within 1,500m of the Breckland SPA. Development will be restricted to the re-use of existing buildings or where existing development completely masks the new proposal from Breckland SPA. Beyond the SPA, a 1,500m buffer will be applied to areas where the qualifying features are known to exist, or where nesting attempts have been made. In this area, development may be acceptable where suitable alternative habitat (outside the SPA) can be secured.</p> <p>Incorporated in new version of Policy CS12 for Pre-Submission Core Strategy</p>	Yes - no residual impacts

			document.	
<p>European site: Breckland SPA Possible Mechanism(s): Indirect impacts - recreation (woodlark and nightjar). Affected Policies: CS1 Housing And Jobs <i>(Refers to policies CS01 and CS09 in the proposed submission document)</i> CS2 Settlement Hierarchy <i>(Refers to policy CS02 in the proposed submission document)</i> CS7 Rural Development <i>(Refers to policy CS06 in the proposed submission document)</i> CS10 Housing Distribution <i>(Refers to policy CS09 in the proposed submission document)</i> CS11 The Economy <i>(Refers to policy CS10 in the proposed submission document)</i></p>	No	The core strategy document can be modified to stress a partnership approach to recreation management in the SPA.	<p>Include policy wording or supporting text to explain that the council is committed to ensuring sustainable levels of recreation in and around the Breckland SPA, and work with partners including Natural England, RSPB and Forestry Commission to develop a strategy that sets out an access management and monitoring programme that provides measures to prevent increasing visitor pressure. Suitable mitigation will be installed should monitoring indicate that the Annex1 species are failing to meet conservation objectives due to recreational pressure.</p> <p>Comment incorporated into Paragraph 7.5.14. for Pre-Submission Core Strategy document</p>	Yes - no residual impacts
<p>European site(s): North Norfolk Coast SPA/ Ramsar; Possible Mechanism(s): Recreational disturbance impacts to SPA species, especially Ringed Plover and Little Tern. Affected Policies: CS1 Housing And Jobs <i>(Refers to policies CS01 and CS09 in the proposed submission document)</i> CS2 Settlement Hierarchy <i>(Refers to policy CS02 in the proposed submission document)</i> CS8 Coastal Development <i>(Refers to policy CS07 in the proposed submission document)</i> CS10 Housing Distribution <i>(Refers to policy CS09 in the proposed submission document)</i> CS14 Delivering Community Well-Being and Enhancing Quality of Life <i>(Refers to policy CS13 in the proposed submission document)</i></p>	No	The core strategy document can be modified to stress a partnership approach to recreation management in the SPA.	<p>Supporting text should recognise that coastal competent authorities promoting visitor access will need to consider the necessary measures required to meet the requirements of the Habitats Regulations and protect the integrity of the coastal European sites, and that it is possible that additional housing within the Borough may contribute to that visitor pressure, in combination with new housing in other districts. The text should therefore commit to working in partnership with neighbouring authorities and other relevant partners to prevent adverse effects when monitoring indicates it could occur. See footnote*</p> <p>Wording incorporated into Paragraph 7.5.14 for Pre-Submission Core Strategy document (as above).</p>	Yes - no residual impacts

<p>European Site(s): Breckland SPA; The North Norfolk Coast SPA/SAC/Ramsar; The Ouse Washes SPA; The Wash SPA/SAC/Ramsar. Possible Mechanism(s): Proximity Impacts; Fragmentation of habitat; Loss of supporting habitat Affected Policies: CS9 Renewable Energy <i>(Refers to policy CS08 in the proposed submission document)</i></p>	<p>No</p>	<p>Renewable energy sources in the Borough (wind farms) should be subject to detailed EIA including cumulative impact assessment.</p>	<p>Specify that any wind farm developments or other renewable energy projects should be assessed accordingly (where necessary by project level HRA) to ensure minimal ecological impact, and should undergo a detailed cumulative impact assessment with regard to other similar developments.</p> <p>Wording incorporated into Policy CS08 for Pre-Submission Core Strategy document</p>	<p>Yes - no residual impacts</p>
<p>European Site(s): Dersingham Bog SAC/ Ramsar Possible Mechanism(s): Indirect and direct damage from light railway development Affected Policies; CS12 Transport Infrastructure Improvements <i>(Refers to policy CS11 in the proposed submission document)</i></p>	<p>No</p>	<p>As disturbance is likely to be peripheral to the site, there is scope to qualify the policy.</p>	<p>Modify policy wording or supporting text to specify proposals must be able to demonstrate, through HRA, no adverse effects on Dersingham Bog SAC/ Ramsar.</p> <p>Wording related to potential light rail route <u>removed</u> from Policy CS12 for Pre-Submission Core Strategy document.</p>	<p>Yes - no residual impacts</p>

Conclusion

The above amendments, proposed by the Council, have been incorporated into the pre-submission document. It is considered that these amendments satisfactorily address the issues raised, and that as a result it can be ascertained that the above policies (as contained in the proposed submission document January 2010) will not adversely affect the integrity of the European Sites.

Section 2: Focused Changes

The focused changes document specifies alterations to the proposed submission document, many of which were not relevant to the HRA, but in perhaps two areas consideration was given to whether the changes would affect the previous assessment.

1. Changes to the Settlement Hierarchy.
2. Changes to the Strategic growth policy around Hunstanton.

Changes to the settlement hierarchy

These are detailed as changes CS02 -1 to CS02 -8. As far as the HRA goes, the important changes would be to Key Rural Service Centres, which would have an average housing allocation of 25 new dwellings.

Proposed change CS01 -1 refers to the addition of settlements to existing Key Rural Service Centres and has no implications for the HRA, with the exception of the addition of Northwold to Methwold, which is likely to reduce the likelihood of any significant impact on the Breckland SPA, since Northwold is some way outside the stone curlew buffer.

Proposed change CS01 -2 refers to the upgrade of Stoke Ferry from rural village to Key Rural Service Centre. Stoke Ferry is some distance from any European site, and it is considered that a housing allocation here of around 25 new dwellings will not result in a likely significant effect on any European site.

Other proposed changes to the settlement hierarchy are at a lower settlement level. In general, the likelihood effects of this hierarchy have already been adequately considered within the original assessment and no further assessment is considered necessary at this stage, though all settlements will be screened for the HRA of the forthcoming site specific allocations.

Changes to Strategic Growth Policy around Hunstanton

The changes in Focussed Change 12 accept that strategic growth in Hunstanton could take place (within the overall 200 units) *towards the south of the town* and/or in the east (as originally envisaged).

It is considered that this minor change does not affect the overall conclusion of the HRA in regard to development around Hunstanton, which is that *“the recreational impacts on nesting birds along the North Norfolk Coast are identified as having a likely significant effect at a cumulative (Borough) level and not at the individual settlement level, they are not considered to have a likely significant effect in this policy.”*

Conclusion

The contents of the Focused Changes document are noted, and have been fully considered, but do not alter the conclusions of the HRA.

Overall Conclusion

The above amendments, proposed by the Council, have been incorporated into the Proposed Submission document. It is considered that these amendments satisfactorily address the issues raised, and that as a result it can be ascertained that the above policies (as contained in the proposed submission document January 2010) will not adversely affect the integrity of the European Sites. It is noted that the policy numbering sequence changed between the 'Regulation 25' document (January 2009) and January 2010's Proposed Submission document (The combination of the two policies for Kings Lynn altered the numbering). Clearly the more important issue is the content of the policies themselves. There are differences between the versions, but the substantive impact of these broad policy approaches does not alter the conclusions of the assessments.

It is therefore considered, in reviewing changes to the Core Strategy since the previous HRA of the Regulation 25 document, that the contents of the Proposed submission document are sound, in accordance with Regulation 85B (1) of the Habitats Regulations, and that any potential adverse effects on the integrity of European sites have been adequately avoided or mitigated for.