FOOTPRINT ECOLOGY

Habitats Regulations Assessment of the North Norfolk First Draft Local Plan Part 1

Authors: Rachel Hoskin & Phil Saunders

FOOTPRINT ECOLOGY, FOREST OFFICE, BERE ROAD, WAREHAM, DORSET BH20 7PA
WWW.FOOTPRINT-ECOLOGY.CO.UK
01929 552444

Footprint Contract Reference: 413
Date: 1st May 2019
Version: Final at Draft Plan Stage
Recommended Citation: Hoskin, R. & Saunders, P. (2019) Habitats Regulations Assessment of the North Norfolk Local Plan Part 1. Unpublished report for North Norfolk District Council.

Summary

This report is the Habitats Regulations Assessment (HRA) of the North Norfolk District Local Plan at First Draft Local Plan stage. A plan level HRA considers the implications of a plan or project for European wildlife sites, in terms of any possible harm to the habitats and species that form an interest feature of the European sites in close proximity to the proposed plan. This HRA report is in the early stages of preparation alongside the emerging plan. This report follows a scoping report prepared by the Council to identify the potential scope of the HRA. It will continue to be developed as the North Norfolk Local Plan is refined, and will continue to draw on a range of background evidence, understanding of the European sites, and the currently development strategic mitigation approach for preventing increased recreation pressure in the European sites in Norfolk, which is being developed collaboratively with neighbouring local planning authorities.

The emerging policies and site allocations are checked through the screening for likely significant effects, which looks at each aspect of a plan for risks to European sites. Potential risks need to be identified in order to inform the screening for likely significant effects, establishing whether there is any possibility of the implementation of the plan causing significant effects on any European site. Where the potential for significant effects is identified, or there are uncertainties, a more detailed appropriate assessment is made. This report includes an initial appropriate assessment, and recommends further work to refine the appropriate assessment, which will be undertaken for the next stage in plan making. This report has regard for relevant case law, including a European Court of Justice Judgment that highlights the need for appropriate use of avoidance and mitigation measures at the correct stage of HRA.

The initial screening of policies and allocations identified recreation pressure as a key theme for more detailed assessment at the appropriate assessment stage. The appropriate assessment has commenced but there are further evidence gathering and assessment requirements for the next iteration of the HRA.

Appropriate assessment is undertaken to ensure that the HRA provides a robust assessment of all potential impacts and identifies clear mitigation needs. The appropriate assessment is in its early stages and highlights the current work in place to develop a strategic recreation mitigation strategy, and progress will be reviewed to inform the next iteration.

Contents

1. Introduction 8
Overview 8
Habitats Regulations Assessment process 9
The North Norfolk District and its Local Plan 13
HRA work to date for the First Draft Local Plan 15
2. European sites 16
European sites screened out from further assessment 17
Haisborough, Hammond and Winterton SAC 18
Inner Dowsing, Race Bank and North Ridge SAC 18
Outer Thames Estuary SPA 18
The Wash SPA/Ramsar site 19
Paston Barn SAC 20
Roydon Common and Dersingham Bog SAC, Roydon Common Ramsar site, and Dersingham Bog Ramsar site 20
European sites screened in for further assessment 20
3. Establishing Impact Pathways 31
4. Screening for Likely Significant Effects 34
Screening the development management policies 34
Screening the site allocations 43
5. Appropriate Assessment – Scope, Site Sensitivities .. 50
Conclusions from screening for likely significant effects 50
Appropriate assessment themes 51
European site sensitivities 52
Winterton Horsey Dunes SAC and Great Yarmouth North Denes SPA 52

Norfolk Valley Fens SAC 53
North Norfolk Coast SAC/SPA/Ramsar site 53
Overstrand Cliffs SAC 54
River Wensum SAC 54
The Wash and North Norfolk Coast SAC 54
Breydon Water SPA/Ramsar site 55
Greater Wash SPA 55
The Broads SAC and Broadland SPA/Ramsar site 55
6. Appropriate Assessment – Mitigation measures recommended by previous HRA and progress to date 57
7. Appropriate Assessment - Norfolk Wide Visitor Survey Work 58
8. Appropriate Assessment – Norfolk Wide Green Infrastructure and Recreation Management Strategy 60
9. Appropriate Assessment – Urbanisation 61
10. Appropriate Assessment - Hydrological Considerations 63
11. HRA Findings and Recommendations 64
Conclusions 64

12. References 65

13. Appendix 1 - The Habitats Regulations Assessment Process 66

14. Appendix 2 – The European Site Conservation Objectives 71

15. Appendix 3 – The Nature Conservation Interest of the European Sites 73

Acknowledgements

We are grateful for the assistance of Iain Withington, Planning Policy Team Leader, and Jodie Rhymes, Senior Planning Officer, of North Norfolk District Council, during the preparation of this report.

1. Introduction

Overview

1.1 This report is the Habitats Regulations Assessment (HRA) of the North Norfolk First Draft Local Plan Part 1, covering a 20-year period from 2016 to 2036. This HRA report has been prepared by Footprint Ecology, on behalf of North Norfolk District Council. It has been written with the benefit of liaison with planning officers within the District Council. This HRA forms part of the evidence base for the new Local Plan Part 1, as it progresses through the various stages of plan making and public consultation.

1.2 A HRA considers the implications of a plan or project for European wildlife sites, in terms of any possible harm to the habitats and species that form an interest feature of the European sites in close proximity to the proposed plan or project, which could occur as a result of the plan or project being put in place, approved or authorised. In this instance, the HRA is undertaken at plan level, for a Local Plan being prepared by a local planning authority. HRA will also be required for development projects that will come forward in the future in accordance with the Local Plan. An explanation of the HRA assessment process is summarised below and also described in greater detail in Appendix 1.

1.3 It is Government policy that local planning documents are continually reviewed in order to remain up to date and informed by current evidence on local economic, social and environmental needs, as well as national legislation and planning policy. The North Norfolk Local Plan currently includes the Core Strategy, which directs development towards the principal settlements of Cromer, Fakenham, Holt and North Walsham. The Core Strategy includes a number of development management policies as well as strategic policies. A Site Allocations Plan accompanies the Core Strategy, providing allocations for new housing, employment, retail and open space.

1.4 North Norfolk District Council is preparing the new Local Plan Part 1 to take account of up to date evidence, current local circumstances and needs, and current national planning policy, guidance and good practice. Upon adoption it will replace both the Core Strategy and Site Allocations documents, providing strategic policies and allocations in the towns and larger villages across the North Norfolk District. Part 1 will also then be accompanied by Part 2 in the near future, which will make proposals for smaller scale developments in some village locations.

1.5 This HRA for the new North Norfolk Local Plan Part 1 at first draft stage looks at all aspects of the emerging plan. This HRA draws on some of the previous HRA

undertaken and considers any changes in circumstances since the previous HRA was written. When embarking on new HRA work, it is important to take stock and consider how well the measures put in place to protect European site interest have progressed, and what evidence there is available to support the continuation of such measures, or to indicate that they may need modification. This HRA therefore looks at the measures that were recommended in previous HRA work at the Local Plan level in order to protect European sites, and the progress made on any previous recommendations.

Habitats Regulations Assessment process

1.6 A 'Habitats Regulations Assessment,' normally abbreviated to HRA, is the step by step process of ensuring that a plan or project being undertaken by, or permitted by a public body, will not adversely affect the ecological integrity of a European wildlife site. Where it is deemed that adverse effects cannot be ruled out, a plan or project must not proceed, unless exception tests are met. This is because European legislation, which is transposed into domestic legislation and policy, affords European sites the highest levels of protection in the hierarchy of sites designated to protect important features of the natural environment.

1.7 The relevant European legislation is the Habitats Directive 1992[1] and the Wild Birds Directive 2009[2], which are transposed into domestic legislation through the Conservation of Habitats and Species Regulations 2017, as amended. These Regulations are normally referred to as the 'Habitats Regulations.' Legislation sets out a clear step by step approach for decision makers considering any plan or project. In England, those duties are also supplemented by national planning policy through the National Planning Policy Framework (NPPF). This national planning policy also refers to Ramsar sites, which are listed in accordance with the international Ramsar Convention. The NPPF requires decision makers to apply the same protection and process to Ramsar sites as that set out in legislation for European sites. Formally proposed sites, i.e. sites proposed for European designation and going through the designation process, and those providing formal compensation for losses to European sites, are also given the same protection. This report refers to all the above sites as 'European sites' for assessment purposes, as the legislation is applied to all such sites, either directly or as a result of policy.

1.8 It should be noted that the European Directives operate on the basis that sites are in place to serve as an ecologically functioning network, and ultimately it is the preservation of that network as a whole that is the overall aim of the

[1] Council Directive 92/43/EEC
[2] Council Directive 2009/147/EC

European Directives. The network is often referred to as the Natura 2000 Network or 'N2K.'

1.9 The duties set out within the Habitats Regulations apply to any public body or individual holding public office with a statutory remit and function, referred to as 'competent authorities.' The requirements are applicable in situations where the competent authority is undertaking or implementing a plan or project, or authorising others to do so. A more detailed guide to the step by step process of HRA is provided in this report at Appendix 1.

1.10 In assessing the implications of any plan or project, in this case a local plan, for European sites in close proximity, it is essential to fully understand the sites in question, their interest features, current condition, sensitivities and any other on-going matters that are influencing each of the sites. Every European site has a set of 'interest features,' which are the ecological features for which the site is designated or classified, and the features for which Member States should ensure the site is maintained or, where necessary restored. Each European site has a set of 'conservation objectives' that set out the objectives for the site interest, i.e. what the site should be achieving in terms of restoring or maintaining the special ecological interest of European importance. These objectives are set by Natural England as the statutory nature conservation body for England. They have been published for each European site in high level generic form and then with supplementary advice that relates to the interpretation of these at each individual site. Supplementary advice is currently in the process of being prepared by Natural England, and is not yet available for all European sites.

1.11 The site conservation objectives are relevant to any HRA, because they identify what should be achieved for the site, and a HRA may therefore consider whether any plan or project may compromise the achievement of those objectives. Further information on European site conservation objectives can be found at Appendix 2 of this report.

1.12 The review of England's wildlife sites and ecological networks is set out in the report to Defra in 2010 entitled 'Making Space for Nature,'[3] which was prepared by a group of national experts chaired by Professor Sir John Lawton. Within this report, it is identified that in order to make our ecological networks and wildlife sites capable of future resilience, there is a need for more wildlife sites, and that existing networks need to be bigger, better and more connected. The future

[3] https://www.gov.uk/government/news/making-space-for-nature-a-review-of-englands-wildlife-sites-published-today

health of designated sites is very much dependant on the future health of wider biodiversity and the ecological networks that sustain them. In planning for the long-term sustainability of designated sites, it is therefore necessary to protect and enhance wider biodiversity through the planning system as well as the designated sites. This HRA recognises this need within the appropriate assessment section in relation to biodiversity gains through planning.

1.13 The NPPF states that sustainable development is the achievement of social, economic and environmental aspirations, and these three dimensions of sustainable development are mutually dependant. For the natural environment, the NPPF advises that sustainable development should include protecting, enhancing and improving biodiversity, and moving from a net loss of biodiversity to achieving net gains. The recently published Defra 25 year plan[4] sets out an ambitious programme for improving the natural environment, including the achievement of environmental net gains through development, of which biodiversity is an important part.

1.14 With these key Government messages in mind, a HRA of a Local Plan should not look at European sites in isolation, but rather it should consider whether the plan as a whole provides for the future ecological resilience of local biodiversity necessary to support designated sites, particularly in relation to the areas of habitat outside of designated site boundaries that are used by species for which a European site is designated, and the supporting functions provided for by wider biodiversity resources.

1.15 HRA identifies potential risks to European sites posed by an emerging policy approach, and by being undertaken from an early stage in plan making, it seeks to find solutions that enable sustainable development to meet the needs of an area whilst protecting European sites. This HRA starts to inform the plan in at First Draft Plan stage and recommendations made will then inform the further development of the plan. Iterative working between HRA assessors and planning officers preparing a Local Plan helps to give confidence in the final HRA, which should demonstrate that the adopted plan will not result in adverse effects on any European site

1.16 In considering the HRA requirements, a competent authority must adequately apply the protective legislation for European sites, and where solutions are not available or evidence to support a solution is not robust, it may then necessary to consider a different policy approach.

[4] https://www.gov.uk/government/publications/25-year-environment-plan

1.17 The step by step process of HRA of an emerging plan allows for continual refinement of the plan to ensure its compliance with the Habitats Regulations. The assessment therefore remains in draft and is updated as the plan is refined and re-assessed. As both the plan maker and the competent authority responsible for assessing the plan, North Norfolk District Council will have regard for the assessment findings at each update, embedding the necessary recommendations for European sites within the emerging plan, as an integral part of continued policy formulation and refinement before finalising the submission version of the plan for Examination. This iterative process enables a robust plan to be adopted, with adequate protection for European sites alongside workable solutions for delivering sustainable growth and meeting the needs of the local communities of North Norfolk.

1.18 When the Council is acting as competent authority for development projects, there is far less flexibility because the development project applicant is usually presenting a project for the Council's consideration and approval in its final form. Such proposals should be informed by the documents that make up the Local Plan, and the Local Plan should therefore seek to provide relevant and helpful guidance for the submission of projects so that they adequately protect European sites as part of the proposal.

1.19 At plan level HRA, a screening for likely significant effects in the preparation of a plan may therefore be run a number of times as the plan develops, to continually recheck conformity with the Habitats Regulations requirements and the incorporation of recommendations made at earlier HRA iterations. The HRA should use the screening stage of assessment to identify where further detailed assessment and additional evidence gathering is required, and in such circumstances the plan may proceed to the appropriate assessment stage.

1.20 The North Norfolk Local Plan Part 1 sets out the policy and allocations necessary to deliver the level of growth required to meet the needs of the North Norfolk District. The scale and locations for growth are informed by a comprehensive evidence base, in accordance with Government guidance and good practice. For housing this includes a Housing and Economic Land availability Assessment and a Strategic Housing Market Assessment.

1.21 This HRA at draft plan stage provides conclusions relating to the implications of the North Norfolk Local Plan Part 1 based on its content at the time of consultation. Subsequently, the plan will be revised again as the Council considers the responses received from the consultation, and a proposed plan will be provided for consultation again, prior to submission for Examination in Public.

1.22 The HRA conclusions drawn at each consultation stage only relate to the current content of the local plan, and the HRA position will be reviewed each time the HRA is updated alongside the plan, and finally again before the plan is adopted, checking any matters arising from Examination and the final modifications proposed.

The North Norfolk District and its Local Plan

1.23 The North Norfolk Local Plan will cover the administrative area of the District Council, with the exclusion of the areas that are within the designated Broads area. The Broads Authority is the local planning authority for the designated Broads area. The North Norfolk Local Plan consists of the Local Plan Part 1, which will cover strategic policy in relation to key topics such as retail, housing, job creation and tourism, and the main allocations to deliver the identified growth needs for the District, and the Local Plan Part 2 which will provide for smaller scale allocations in some village locations. It is the North Norfolk Local Plan Part 1 that is the subject of this HRA and is currently in preparation at First Draft Plan stage.

1.24 The HRA for the Core Strategy was undertaken in 2007 and concluded that the policies did not result in any likely significant effects but highlighted the need for further assessment of site allocations in the separate Site Allocations Plan. The HRA for the site Allocations Plan was prepared in 2010. It assessed the potential impacts from each of the 98 sites across 24 settlements, finding that there were potential risks to European sites arising from both recreation pressure and potential deterioration of water quality.

1.25 At the time of preparing the HRA, the Review of Consents process for Waste Water Treatment Works (WWTWs) was coming to an end and a number of studies and water infrastructure works were outstanding. On a precautionary basis, the HRA for the Site Allocations Plan therefore concluded that there may be a need to further review site allocations as any new information comes forward, in order to have confidence that any water quality sensitive European site would not be adversely affected. An update note to the HRA advises that a Water Infrastructure Statement produced by the Council, Anglian Water and the Environment Agency was prepared to assist with the evidence base for the Site Allocations Plan Examination in Public, in order to give confidence in proposed works that would support the growth set out within the plan.

1.26 For recreation pressure, the Site Allocations Plan HRA concludes that a programme of evidence gathering in relation to visitor activity at the North Norfolk coastal European sites and the Broads is required, to then identify targeted access management responses. A list of potential management measures is provided within the HRA conclusions, including interpretation

materials, a range of on-site access management measures to alter recreation behaviour including closing or re-routing footpaths, a focus on dog walking activities, assessment of car parking provision and the potential to create alternative greenspaces to absorb some recreation that might otherwise occur at the European sites. Such greenspaces that perform this mitigation function are normally referred to as Suitable Alternative Natural Greenspaces (SANGs).

1.27 The Site Allocations Plan HRA particularly emphasises the need for partnership working in relation to recreation management with neighbouring local planning authorities. The European sites span across Norfolk, and the coastline spans a number of different authorities.

1.28 The HRA report concludes that the financial matters relating to funding access management measures will need to be resolved, and again will need a collective approach across the local planning authorities.

1.29 The HRA conclusions from the Site Allocations Plan HRA report provided the District Council with a clear requirement to progress further evidence gathering in relation to recreation pressure and work collaboratively with neighbouring local planning authorities. Such joint working is not limited to HRA considerations. North Norfolk District Council works collaboratively with its neighbouring authorities on a number of matters, and importantly has jointly published the Norfolk Strategic Planning Framework, which considers the needs of Norfolk as a whole and what are the key cross boundary considerations. It sets out Norfolk wide evidence including that relating to the natural environment and the opportunities for enhancing and reconnecting biodiversity assets.

1.30 North Norfolk is a coastal district occupying part of the east coat of England and much of the district is rural in nature. Coastal erosion and flooding are significant concerns for the district, and the coastline is also where landscape and wildlife designations mean that there are legislative and national policy requirements for the protection and enhancement of these important natural environment assets. The district includes 70km of coastline, much of which is protected for landscape or biodiversity reasons.

1.31 House prices are notably high in close proximity to the coast, and the district as a whole has an aged population and a high proportion of second home ownership, which has implications for the district's demographic. North Walsham, Fakenham and Cromer are the three largest towns, and are the focus of the town strategies in the emerging Local Plan. The population of North Norfolk is approximately 110,000 residents. Economic concerns include the relatively low household incomes with many jobs being in low paid sectors (retail, tourism, agriculture and social care).

HRA work to date for the First Draft Local Plan

1.32 The North Norfolk District Council Planning Policy Team has already prepared a HRA scoping report in May 2017, which is included in the early evidence base informing the preparation of the North Norfolk Local Plan to date. This report summarises and updates the previous HRA findings for the Core Strategy and then the Site Allocations document.

1.33 The scoping report provides detailed information on each of the European sites within and in close proximity to the North Norfolk District. It also provides an update on progress since the recommendations of the HRAs for the Core Strategy and Site Allocations document, and highlights the key potential threats, along with a number of actions to be undertaken to gather further evidence or advice to inform the final conclusions of this HRA for the emerging Local Plan Part 1. Aspects of this scoping report are drawn upon as required in the subsequent sections of this HRA for the emerging plan at First Draft Local Plan stage.

2. European sites

2.1 In undertaking a HRA it is necessary to gather information on the European sites that could be potentially affected by the plan or project. This has already been undertaken to inform previous HRA work for the core Strategy and Site Allocations document, and this has been updated within the Council's HRA scoping report for the emerging Local Plan. The European site considerations are now taken forward within this report that follows on from the initial scoping undertaken by the Council.

2.2 Footprint Ecology uses an initial 20km buffer from the edge of a Local Plan area, in this case the North Norfolk District boundary, to identify European sites that may be potentially affected by the plan. This buffer is deemed precautionary enough to capture most potential impact pathways (i.e. the means by which a European site may be affected) between plan implementation within a local planning authority's administrative area. The list of European sites within 20km is then evaluated in terms of relevant threats, vulnerabilities and current issues. European sites include Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites. European sites can be terrestrial or marine.

2.3 European sites within 20km of the local plan boundary are shown on Maps 1 to 3 (SACs), Maps 4 to 6 (SPAs) and Maps 7 to 9 (Ramsar sites).

2.4 This section identifies those sites that could potentially be affected by the policies and proposals within the emerging North Norfolk Local Plan. This HRA draws on the site interest features, sensitivities and any current conservation issues, from available information published by Natural England.

2.5 Every European site has a set of 'interest features' which are the ecological features for which the site is designated or classified, and the features for which Member States should ensure the site is maintained or, where necessary, restored. Each European site also has a set of 'conservation objectives' for the site interest, i.e. what the site should be achieving in terms of restoring or maintaining the special ecological interest of European importance.

2.6 The site conservation objectives are relevant to any HRA, because they identify what should be achieved for the site, and a HRA may therefore consider whether any plan or project may compromise the achievement of those objectives. As highlighted in Appendix 2, Conservation objectives for the European sites considered to potentially be at risk from the emerging North Norfolk Local Plan are currently only available as the high level generic objectives applied to each European site. Site specific supplementary advice for each site has not yet been prepared for these sites by Natural England. Locally relevant information is

therefore used within this HRA to give relevant context to the generic conservation objectives.

2.7 In assessing the implications of any plan or project for European sites, it is essential to fully understand the ecology and sensitivity of the sites, in order to identify how they may be affected. Central to HRA is the consideration of how a plan or project may affect the achievement of conservation objectives. This section of the report and Appendix 2 together provides the necessary information that informs the assessment of the plan.

2.8 In addition to conservation objectives, Natural England produces Site Improvement Plans (SIPS) for each European site in England as part of a wider programme of work under the 'Improvement Programme for England's Natura 2000 sites.' The SIPs can provide an additional useful reference for HRA work, identifying where there are site sensitivities as each SIP includes a set of actions for alleviating issues that are impeding the delivery of conservation objectives, therefore indicating what key concerns may be for each site. Natural England will seek to work in partnership with other public bodies to implement the identified actions. The SIPs will therefore state the lead delivery bodies and indicative timescales, where these have been agreed.

2.9 From the sites within 20km shown on Maps 1 to 9, it can be concluded that a number of the sites can be excluded from further assessment within the HRA because there isn't any conceivable risk for these sites arising from the implementation of the plan.

2.10 Screening particular European sites out from a HRA should be precautionary, and where there is a potential risk, sites should be included in the screening assessment of the plan.

European sites screened out from further assessment

2.11 The following European sites within 20km are ruled out, with reasons given below. A lack of pathways between the European site and the content of the plan is often due to distance.

- Haisborough, Hammond and Winterton SAC (marine)
- Inner Dowsing, Race Bank and North Ridge SAC (marine)
- Outer Thames Estuary SPA (marine)
- The Wash SPA/Ramsar Site (marine)
- Paston Great Barn SAC
- Roydon Common and Dersingham Bog SAC
- Roydon Common Ramsar site
- Dersingham Bog Ramsar site.

Haisborough, Hammond and Winterton SAC

2.12 This marine site is designated for its subtidal sandbanks supporting important infaunal and epifaunal communities. The site occasionally hosts *Sabellaria spinulosa* reefs, which then bring additional habitat for a variety of sealife. The site is predominantly beyond 12 nautical miles and its distance out to sea enables a conclusion of no likely significant effect due to a lack of impact pathways.

Inner Dowsing, Race Bank and North Ridge SAC

2.13 This is a further marine site located off the south Lincolnshire coast hosting *Sabellaria spinulosa* reefs and sandbanks that provide nursery grounds for a range of fish species. The site does cross into territorial waters being partly within 12 nautical miles from the coast, and partly in offshore waters. Its distance out to sea enables a conclusion of no likely significant effect due to a lack of impact pathways.

Outer Thames Estuary SPA

2.14 The Outer Thames Estuary SPA is a marine European site that extends from the Thames Estuary to the sea area off the Norfolk coast. It is classified for the largest aggregation of Red-throated Diver *Gavia stellata* overwintering in the UK. Additional site interest features included within the classification are Common Tern *Sterna hirundo,* foraging within the SPA (with breeding sites located within other SPAs in close proximity), and a breeding population of Little Tern *Sternula albifrons.*

2.15 A recent formal extension to the SPA in October 2017 added Common and Little Tern as species interest features, and geographically extended the site to parts of the Rivers Yare and Bure, along with a further small extension at Minsmere. Common Term breed at Breydon Water SPA and Foulness SPA, and at Scroby Sands, and the addition of the Yare and Bure enable protection of foraging areas for these breeding colonies.

2.16 In proposing the extension, Natural England considered the current levels of activity and development in these areas and concluded that the relatively low sensitivity of Common Tern meant that it was unlikely that the birds would be vulnerable to disturbance within these foraging areas. This advice was confirmed in a letter from Natural England, dated 19th October 2016 to neighbouring Great Yarmouth Borough Council, prior to the finalisation of the SPA extension. The advice letter is in the public domain and therefore can be referred to by North Norfolk District Council. It states that *"Natural England does*

not consider that the current proposals for new housing and commercial and industrial redevelopment of the port area of Great Yarmouth as set out in the adopted Great Yarmouth Local Plan Core Strategy (2015) are likely to have a significant effect on the Outer Thames Estuary SPA." The letter also advises Great Yarmouth Council that additional mitigation in light of the SPA extension and additional species would not be required.

2.17 Little Tern are particularly sensitive to disturbance at their breeding sites and these sites around the coast are currently the subject of monitoring, wardening and other measures to reduce disturbance, some of which is funded by the European Life Project and mitigation strategies already in place. Little Tern are already included in the monitoring and mitigation strategy for neighbouring Great Yarmouth.

2.18 The Outer Thames Estuary SPA is therefore screened out from any likely significant effect.

The Wash SPA/Ramsar site

2.19 The classification of the Wash SPA and accompanying listing as a Ramsar site is in recognition of the range of coastal and intertidal habitats present around this expansive estuary that support a wide range of overwintering birds, along with specifically supporting a number of species for breeding. The habitats are as a result of the complex dynamics of the estuary, and Ramsar criterion include the inter-relationship between the differing habitat types, which in turn provide food sources for the overwintering bird populations. Whilst this large site is highly vulnerable to natural and human interventions, leading to habitat damage and fragmentation, contamination and erosion, it is screened out from the assessment due to distance from North Norfolk, which limits impact pathways from the Local Plan.

2.20 It should be noted however that the scoping report produced by the council in May 2017 identifies an action for the authority to work with the Wash EMS management scheme project, which brings together a group of stakeholders involved in the management and conservation of the Wash and North Norfolk Coast, to ensure that activities remain sustainable and favourable conservation status for the European sites at the Wash and North Norfolk Coast is achieved. Whilst this HRA does not identify any impact pathways, it will be important for the council to continue working with this partnership to ensure that any potential issues are addressed.

Paston Barn SAC

2.21 Paston Barn SAC is a medieval thatched barn supporting a breeding colony of Barbastelle Bats *Barbastella barbastellus*. This site is therefore at risk from localised impact pathways, but lies some considerable distance (2.3km) to the south-east of the closest allocation (site ref. MUN03/A), and 5.2km from the next closest (site ref. E10), thus enabling a conclusion of no likely significant effects.

Roydon Common and Dersingham Bog SAC, Roydon Common Ramsar site, and Dersingham Bog Ramsar site

2.22 The SAC is two sites; Dersingham Bog and Roydon Common, and these two sites are also listed as Ramsar sites in recognition of their wet heath and acid bog on peat substrate habitats that support a number of rare invertebrates. Primary sensitivities are nutrient rich agricultural run-off from surrounding agricultural land, and ground water abstraction from the underlying aquifer is also a potential concern.

2.23 Whilst the May 2017 scoping report identified this site as potentially at risk, it is considered that recreation pressures will be more localised and well managed. Both parts of the SAC are National Nature Reserves, which includes wider habitats of interest including woodland and heathland mosaics, and are managed for sustainable recreation use. These designations are screened out of this assessment due to distance.

European sites screened in for further assessment

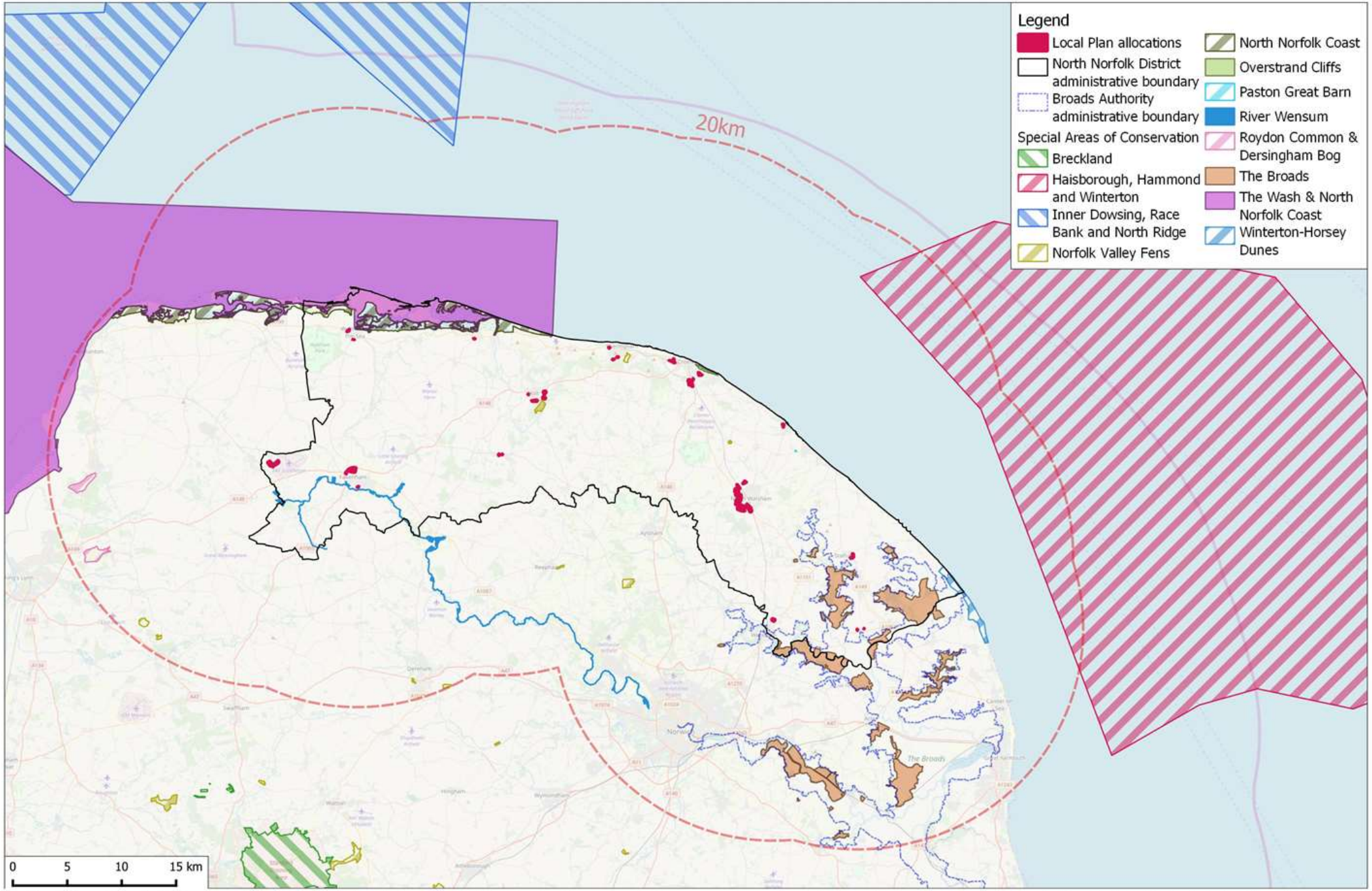
2.24 The following European sites are deemed to have potential impact pathways and are therefore taken forward to the screening assessment for likely significant effects.

- Winterton-Horsey Dunes SAC
- Norfolk Valley Fens SAC
- North Norfolk Coast SAC/SPA/Ramsar site
- Overstrand Cliffs SAC
- River Wensum SAC
- The Wash and North Norfolk Coast SAC
- Great Yarmouth North Denes SPA
- Breydon Water SPA/Ramsar site
- Broadland SPA/Ramsar site
- The Broads SAC
- Greater Wash SPA

2.25 The above sites are taken forward to the screening for likely significant effects. The European sites listed above generally concur with the European sites that are listed within the Council's scoping report, but It is important to re-consider the sites that need to be included within a HRA at each new HRA stage, to have confidence that the HRA is robust and based on best available current information and circumstances.

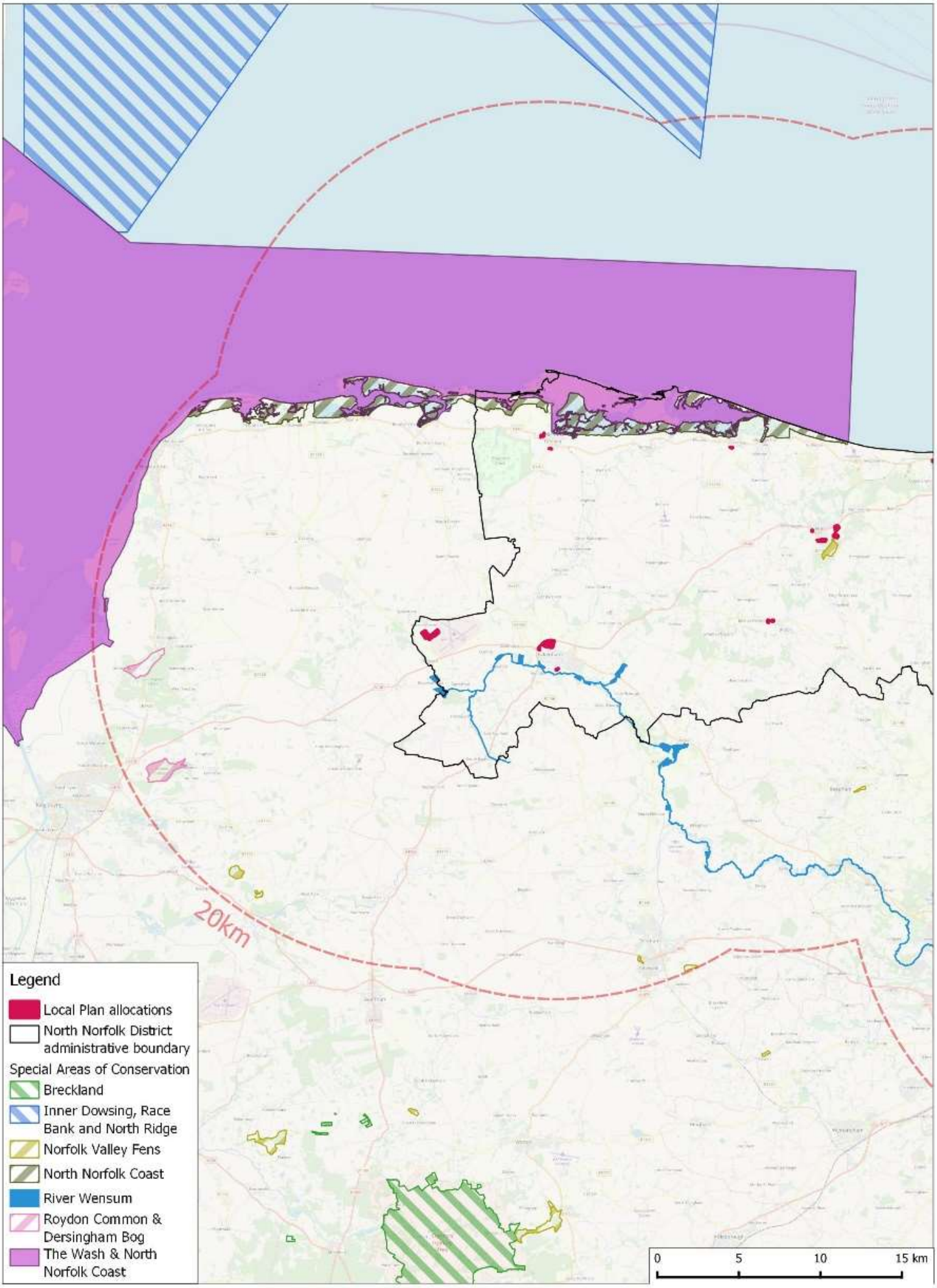
2.26 Section 3 below considers the potential risks to these sites in terms of impact pathways, Section 4 provides the screening for likely significant effects and Section 5 assesses potential site specific risks.

Map 1: Location of Local Plan allocations and Special Areas of Conservation within 20km.



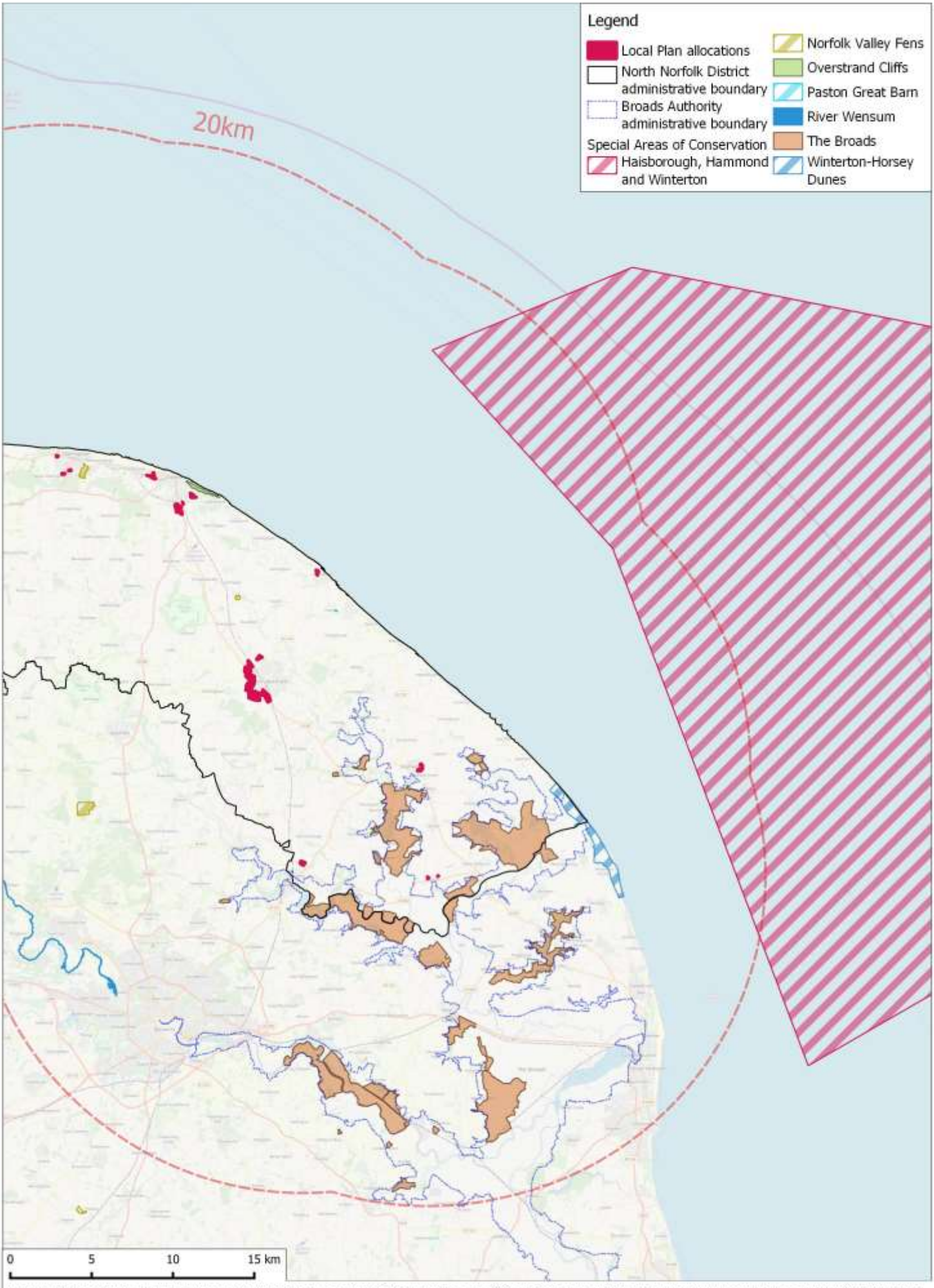
Contains Ordnance Survey data © Crown copyright and Database Right 2018. Contains map data © OpenStreetMap contributors. Terms: www.openstreetmap.org/copyright Designated site boundaries download from the Natural England website © Natural England.

Map 2: Location of Local Plan allocations and Special Areas of Conservation within 20km; expanded view of western extent.



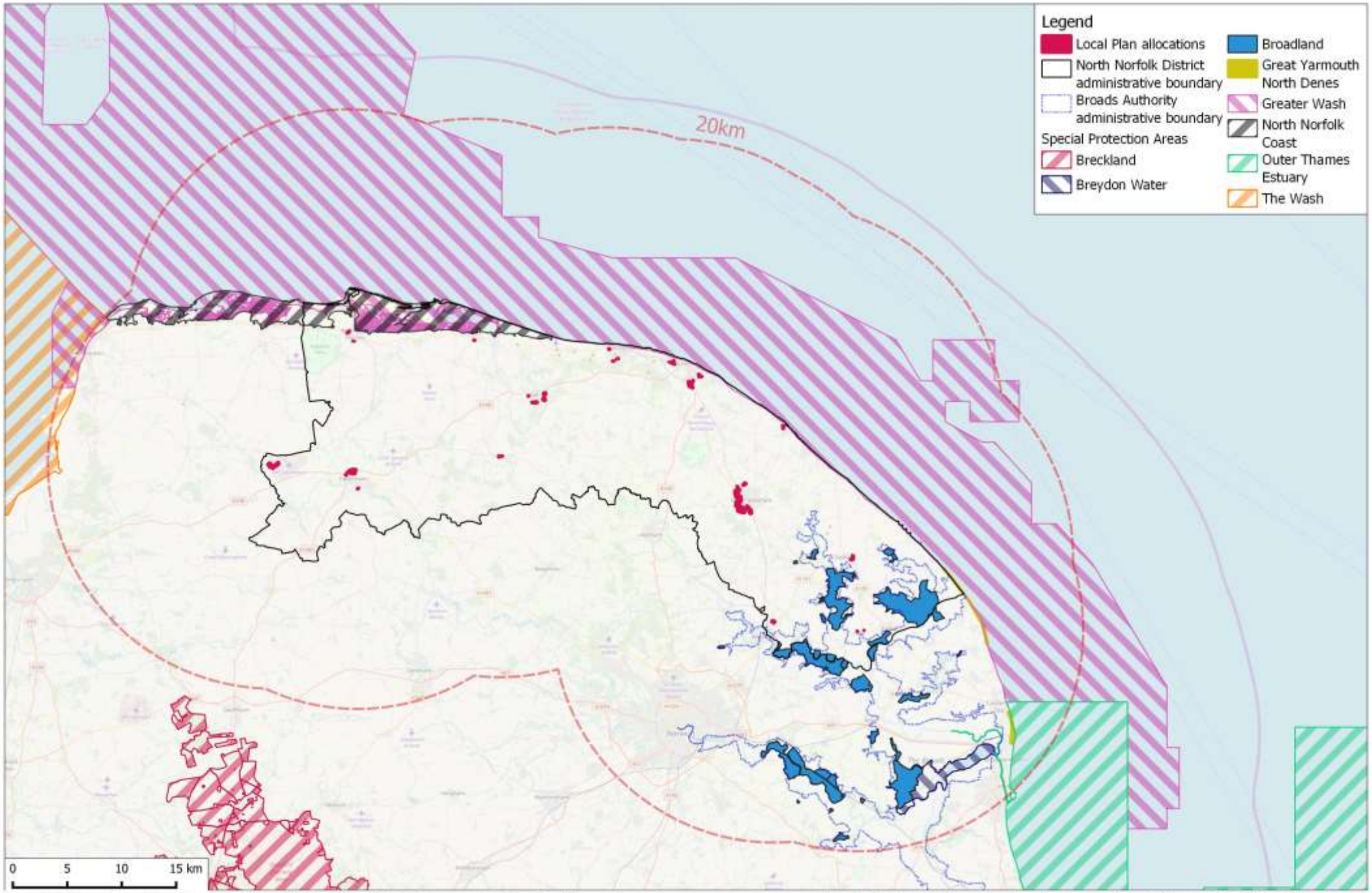
Contains Ordnance Survey data © Crown copyright and Database Right 2018. Contains map data © OpenStreetMap contributors. Terms: www.openstreetmap.org/copyright Designated site boundaries download from the Natural England website © Natural England.

Map 3: Location of Local Plan allocations and Special Areas of Conservation within 20km; expanded view of eastern extent.



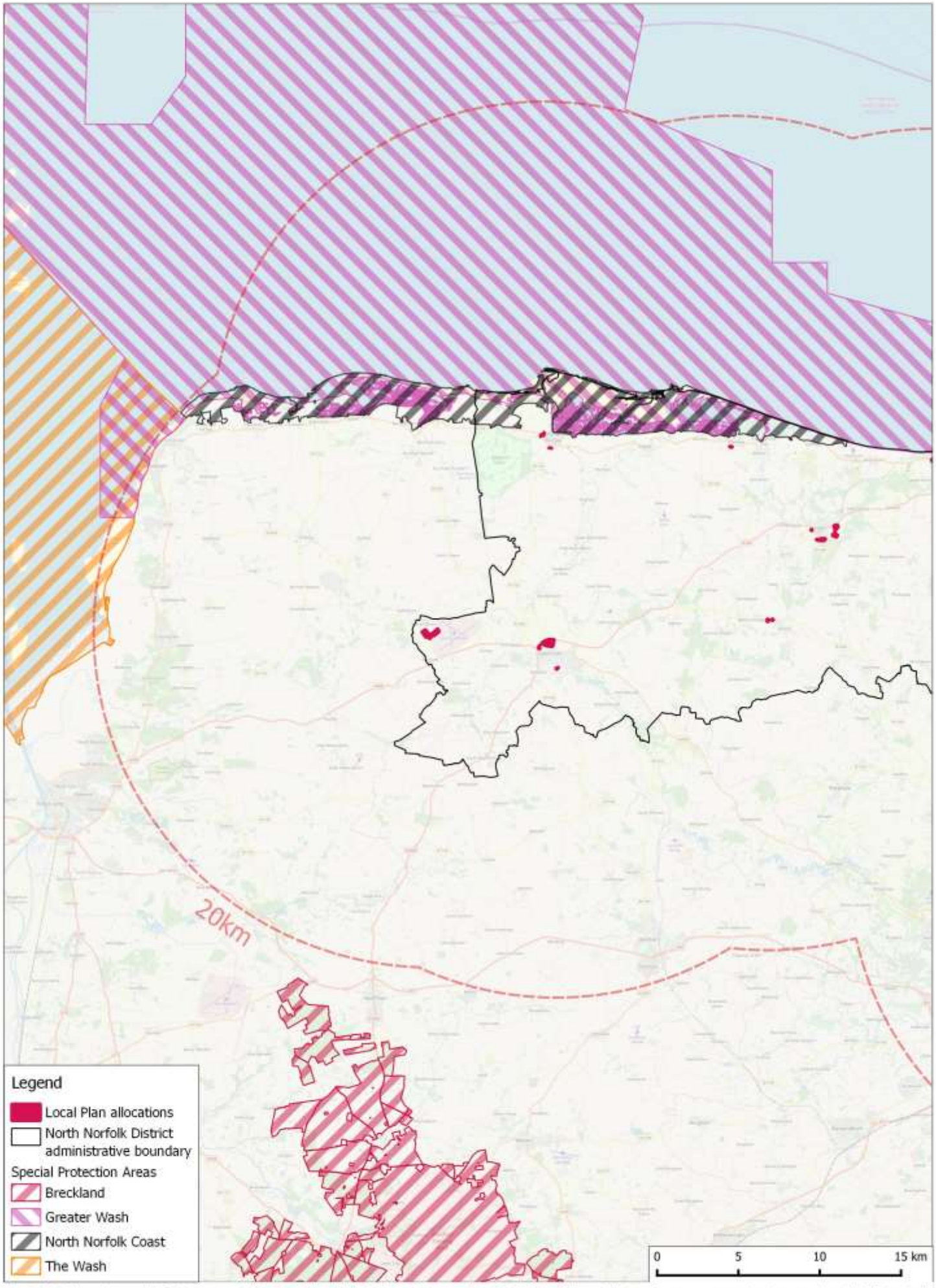
Contains Ordnance Survey data © Crown copyright and Database Right 2018. Contains map data © OpenStreetMap contributors. Terms: www.openstreetmap.org/copyright Designated site boundaries download from the Natural England website © Natural England.

Map 4: Location of Local Plan allocations and Special Protection Areas within 20km.



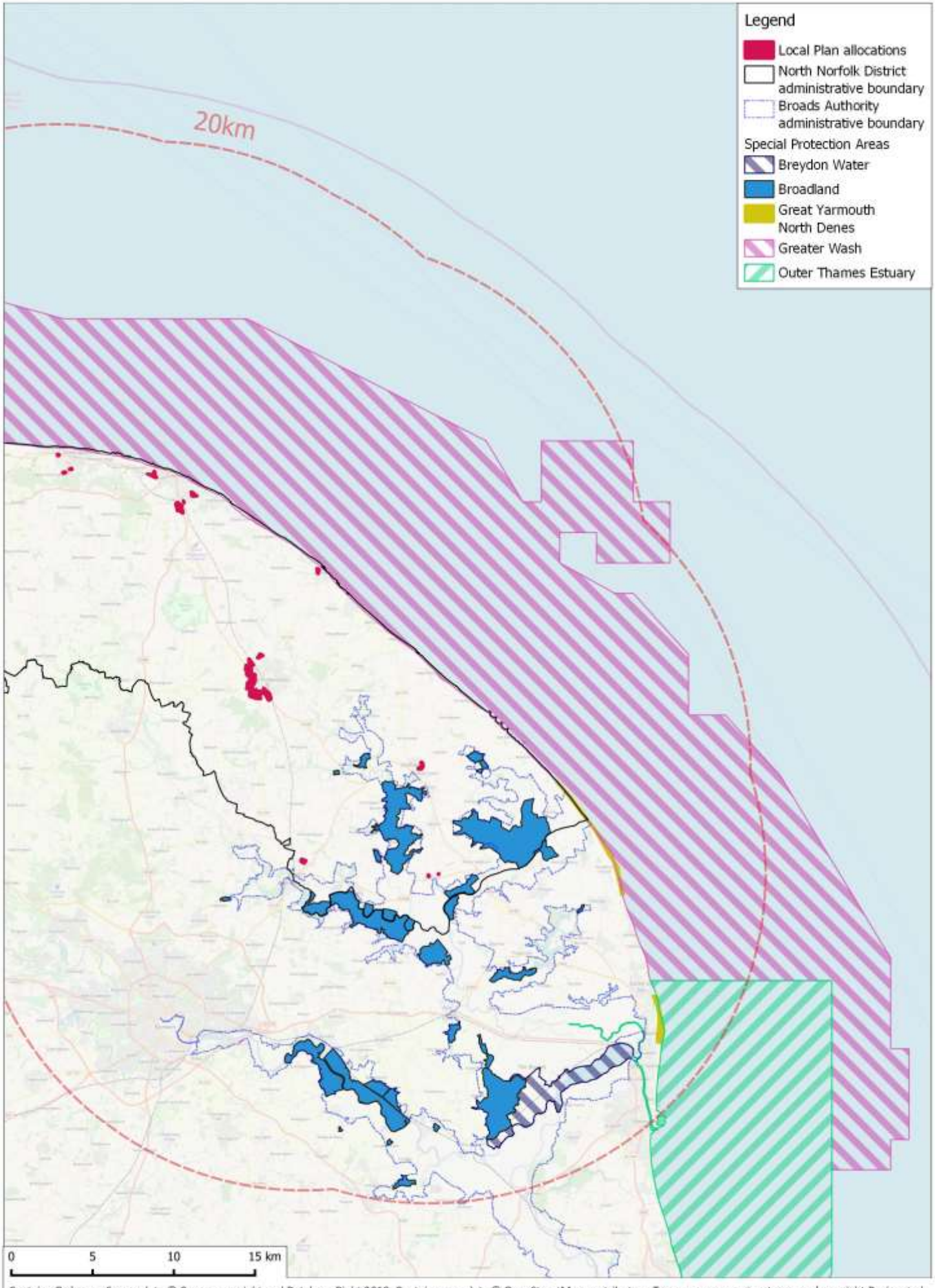
Contains Ordnance Survey data © Crown copyright and Database Right 2018. Contains map data © OpenStreetMap contributors. Terms: www.openstreetmap.org/copyright Designated site boundaries download from the Natural England website © Natural England.

Map 5: Location of Local Plan allocations and Special Protection Areas within 20km; expanded view of western extent.



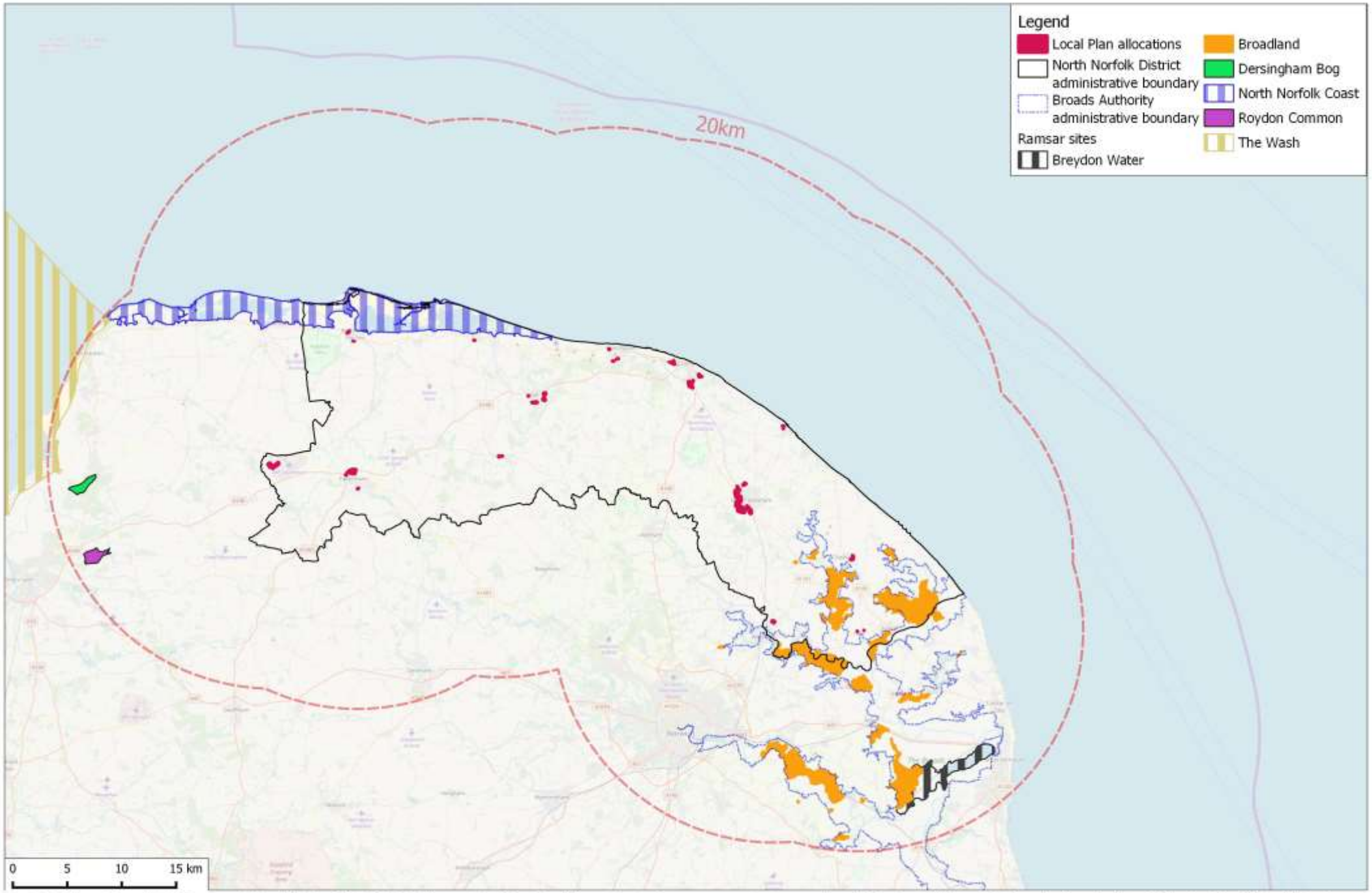
Contains Ordnance Survey data © Crown copyright and Database Right 2018. Contains map data © OpenStreetMap contributors. Terms: www.openstreetmap.org/copyright Designated site boundaries download from the Natural England website © Natural England.

Map 6: Location of Local Plan allocations and Special Protection Areas within 20km; expanded view of eastern extent.



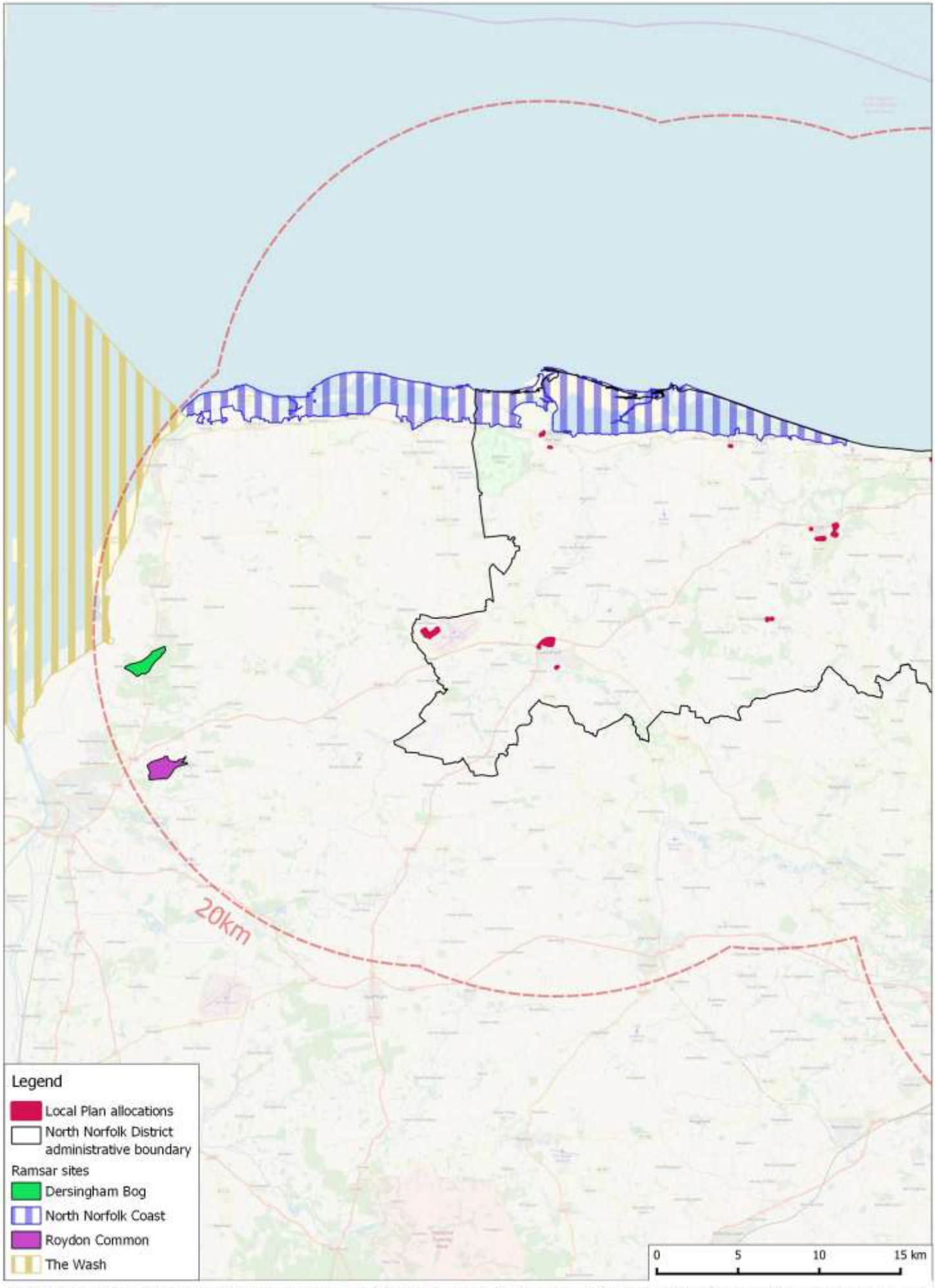
Contains Ordnance Survey data © Crown copyright and Database Right 2018. Contains map data © OpenStreetMap contributors. Terms: www.openstreetmap.org/copyright Designated site boundaries download from the Natural England website © Natural England.

Map 7: Location of Local Plan allocations and Ramsar sites within 20km.



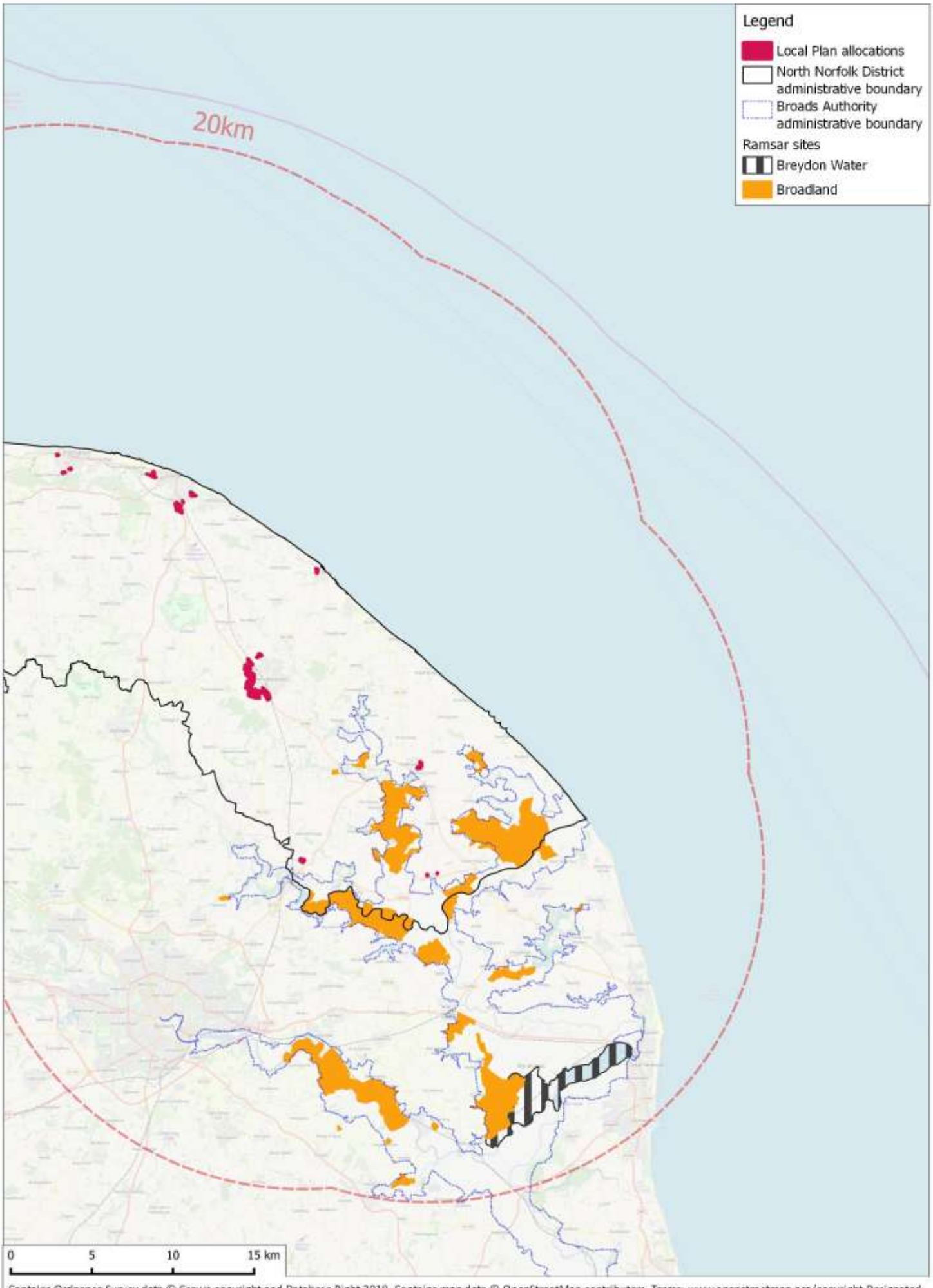
Contains Ordnance Survey data © Crown copyright and Database Right 2018. Contains map data © OpenStreetMap contributors. Terms: www.openstreetmap.org/copyright Designated site boundaries download from the Natural England website © Natural England.

Map 8: Location of Local Plan allocations and Ramsar sites within 20km; expanded view of western extent.



Contains Ordnance Survey data © Crown copyright and Database Right 2018. Contains map data © OpenStreetMap contributors. Terms: www.openstreetmap.org/copyright Designated site boundaries download from the Natural England website © Natural England.

Map 9: Location of Local Plan allocations and Ramsar sites within 20km; expanded view of eastern extent.



Contains Ordnance Survey data © Crown copyright and Database Right 2018. Contains map data © OpenStreetMap contributors. Terms: www.openstreetmap.org/copyright Designated site boundaries download from the Natural England website © Natural England.

3. Establishing Impact Pathways

3.1 All aspects of the emerging plan that influence sustainable development for the North Norfolk District are checked for likely significant effects on the European sites identified as being at potential risk in the previous section of this report. The nature of potential risks to European sites needs to be understood in order to inform the screening for likely significant effects. This section therefore considers the potential risks arising from the plan.

3.2 European sites are at risk if there are possible means by which any aspect of a plan can, when being taken forward for implementation, pose a potential threat to the wildlife interest of the sites. This is often referred to as the 'impact pathway' as it is an identifiable means by which the plan or project could potentially affect the European site. The 'impact pathways' described below have been established through consideration of the European sites and their sensitivities, and also within the initial HRA scoping report prepared by the Council's planning officers. An understanding of the potential impact pathways is then used to inform a policy by policy check to screen each policy against the potential impact pathways, checking for likely significant effects. For the European sites being considered by this HRA, the impact pathways are considered to be as follows:

3.3 Water issues relate to water quality and water quantity (i.e. water availability). Run-off, outflow from sewage treatments and overflow from septic tanks can result in increased nutrient loads and contamination or siltation of water courses. Abstraction and land management can influence water flow and quantity, resulting in reduced water availability at certain periods or changes in the flow. Such impacts particularly relate to aquatic and wetland habitats. At coastal sites hydrological impacts can include contamination, nutrient enrichment and sea water flooding into freshwater or terrestrial habitats.

3.4 Impacts from recreation relate to disturbance, trampling, increased fire risk and enrichment such as through dog fouling. These impacts are reviewed and summarised in a range of sources (e.g. Saunders *et al.* 2000; Lowen *et al.* 2008; Liley *et al.* 2010). Sites that will be vulnerable are those with public access; those likely to draw recreation users and that are in relatively close proximity to new development. Some interest features (such as wintering waterfowl and ground-nesting birds) are particularly vulnerable. For coastal districts such as North Norfolk, there is also the consideration of disturbance from the tourist draw to the coast, which can be from a wide area.

3.5 The Norfolk wide visitor survey work is discussed in Section 7 below provides new information in relation to visitors to all Norfolk sites, and is considered by this HRA in the appropriate assessment.

3.6 Air quality matters in relation to HRA have been the subject of greater focus since a recent case decision relating to the in-combination effects of development in close proximity to air pollution sensitive European sites.

3.7 Traffic generated air quality reductions can impact on vegetation communities (Bobbink, Hornung & Roelofs 1998; Stevens *et al.* 2011), primarily as a result of increased nitrogen deposition, but can also relate to increases in both sulphur and ammonia. The Design Manual for Roads and Bridges (DMRB) currently advises that the effect of traffic emissions is focussed on the first 200m to the side of a road. There is a declining effect out to 200m and beyond this it is currently agreed by Natural England that the effects are *de minimis*, i.e. of no consequence against background levels.

3.8 The recent case decision (Wealden v SSCLG 2017) relates to Ashdown Forest, which has a road network within 200m of the European site boundary and is sensitive to air pollution impacts. The case highlights that it is necessary for air quality considerations to be given appropriate regard in HRA work.

3.9 The North Norfolk District does not have any cities or very large towns that may generate commuter traffic or be the focus of more intensive growth needs, but in addition to residents there will be tourism traffic out to the coast. The potential for traffic increases on roads within 200m of any European sites should therefore be checked. Visual checks on maps for the proximity of any main roads to European sites within the district, and how any road sections relate to allocations enables a conclusion that air quality can be ruled out as an impact pathway. The North Norfolk District does not have any trunk roads or motorways within the boundary, and none of the A roads come within 200m of a European site that would be sensitive to air pollution. It is therefore concluded that air quality impacts can be ruled out. Future HRA work should continue to revisit this conclusion, and liaison with Natural England will ensure awareness of any potential air quality issues in the future.

3.10 Urban effects relate to issues where development is close to the European site boundary and is an umbrella term relating to impacts such as cat predation, lighting, fly tipping and vandalism (see Underhill-Day 2005 for review). Urbanisation in close proximity can lead to a range of effects on a European site at its fringes, effectively sterilising these areas or at least reducing their capacity for supporting site interest. Issues can include displacement of species and habitat changes that are often impossible to rectify once damage has occurred. These impacts are particularly relevant for allocations that are proposed within

400m of European sites, and the site allocations within this close distance will be looked at in more detail within the appropriate assessment.

3.11 Table 1 summarises the impact pathways being assessed within this HRA.

Table 1: Potential impact pathways – i.e. potential mechanisms whereby the different European sites could be impacted.

European site	Recreation	Urbanisation/supporting habitat issues	Water Quality	Water Quantity
Winterton Horsey Dunes SAC	✓			
Great Yarmouth North Denes SPA	✓	✓	✓	
Breydon Water SPA/ Ramsar site	✓		✓	✓
Broadland SPA/Ramsar site	✓	✓	✓	✓
The Broads SAC	✓		✓	✓
North Norfolk Coast SPA/Ramsar	✓	✓	✓	
North Norfolk Coast SAC	✓	✓	✓	
The Wash SPA/Ramsar	✓	✓	✓	
Norfolk Valley Fens SAC	✓	✓	✓	✓
Overstrand Cliffs SAC	✓			
River Wensum SAC			✓	✓

4. Screening for Likely Significant Effects

4.1 Once relevant background information and potential impact pathways are understood, and relevant HRA and mitigation progress has been considered, the HRA process can progress to the screening for likely significant effects stage, fully informed by the background research undertaken. Table 2 below records the conclusions drawn and recommendations made on a policy by policy check of the North Norfolk First Draft Plan Part 1. The final column will be populated when a rescreen of the plan is undertaken at the next plan making stage.

4.2 During the screening stage of HRA, text changes are recommended in the screening table where there is a clear opportunity to avoid impacts on European sites through policy strengthening, but only where this relates to simple clarifications, corrections of terminology or improved instructions for project level HRA, for example. Any changes that need to be justified by more detailed scrutiny for their effectiveness should be firstly considered within the appropriate assessment, drawing on evidence and available information to justify their inclusion.

4.3 For a small number of policies, the screening initially identified a potential for Likely Significant Effects ('LSE'). For policies that do not set a quantum of development or specific locations, the potential for effects relates to the possibility of development coming forward in a particular location or with particular characteristics. In such instances, the risks may be simply avoided with straightforward additions to the plan which remove any uncertainty or provide better clarity. Where this is the case, recommendations for text are made. This does not exclude the need for project level HRA.

4.4 The North Norfolk Local Plan Part 1 includes strategic policies, development management policies and site allocations. A screening exercise has been undertaken for all of these aspects of the emerging plan. These are reported on in turn below, with the strategic and development management policies assessed and then a subsequent consideration of the site allocations based on distance from European sites, in order to identify potential impact pathways for individual development sites,

Screening the development management policies

4.5 The screening table below screens the strategic and development management policies of the First Draft Local Plan Part 1, having regard for the impact pathways, and then allocations are considered in the subsequent section below the screening table.

Table 2: LSE screening of North Norfolk Local Plan First Draft

ES = European sites

Plan section or Draft policy	Description	Initial LSE screening	Recommendations and opportunities	Re-screen
Section 1 - Introduction	Opening context	No LSE – Informative only	N/A	
Section 2 – Document guide and summary	Explanation of the structure of the plan	No LSE – Informative only	N/A	
Section 3 – context	Explanation of the legislative and regulatory framework for plan preparation	No LSE – administrative only	Paragraphs describing the HRA need to be amended to include the current up to date legislation – "*The Conservation of Habitats and Species Regulations 2017, as amended*" Paragraph should also refer to the strategic mitigation developments for recreation pressure in the penultimate sentence.	
Section 4 – About North Norfolk	Detailed description of the district and main characteristics.	No LSE - Balanced description of social, economic and environmental issues pertinent to the district.	N/A	
Section 5 – Key issues and vision	Detailed description of the district and main issues.	No LSE – As above, a balanced description of social, economic and environmental issues pertinent to the district.	The sentences relating to designated wildlife sites under natural and built heritage could be expanded further to be locally relevant.	
Section 6 – Aims and objectives	Objectives for the plan period for delivering sustainable development	No LSE – As above, a balanced description of social, economic and environmental objectives pertinent to the district.	Under protecting character, it would be beneficial to make reference to biodiversity net gain and reversing biodiversity losses and reconnecting ecological corridors. This in turn supports designated sites as part of the overall ecological network.	
Section 7 – Sustainable development policies				

Plan section or Draft policy	Description	Initial LSE screening	Recommendations and opportunities	Re-screen
SD1 Presumption in favour of sustainable development	Presumption in favour of development, in accordance with the NPPF	No LSE – the policy has wording that allows for exceptions in terms of material considerations and NPPF polices for protected areas or assets.	N/A	
SD2 Community led development	Provides policy support for community led development	No LSE – the policy is qualitative and does not promote a particular development location of quantum of development. Any new housing of any type will need to be the subject of the emerging strategic mitigation strategy for housing (discussed in the appropriate assessment).	N/A	
SD3 Settlement hierarchy	Sets out the hierarchy of development from prioritising the three larger towns, down to smaller growth towns and then small growth villages	No LSE – the policy is qualitative and does not promote a quantum of development and the hierarchy itself does not pose a risk to European sites. Further assessment of specific allocations within the growth areas is required.	N/A	
SD4 Development in the countryside	Allows for development in the countryside for the specific purposes listed of providing essential rural worker accommodation	No LSE – the policy is qualitative and does not promote a particular development location of quantum of development. Any new housing of any type will need to be the subject of the emerging strategic mitigation strategy for housing (discussed in the appropriate assessment).	N/A	
SD5 Developer contributions and viability	Sets the requirements for developer contributions, with the exceptions relating to viability stated.	No LSE – the policy allows for collection of developer contributions for green infrastructure requirements, which could be related to European site mitigation.	Exceptions in relation to viability cannot remove the need for appropriate European site mitigation. If the Council chooses to except on viability grounds, the mitigation need must still be met by the Council.	
SD6 Provision and retention of local facilities and services	Qualitative criteria for new facilities and services	No LSE – the policy is qualitative and does not promote a particular development location or quantum of development.	N/A	

Plan section or Draft policy	Description	Initial LSE screening	Recommendations and opportunities	Re-screen
SD7 Renewable energy	Criteria for permitting renewable energy developments	No LSE - this policy does not stipulate any quantum or location of development and policy wording provides for protection of designated sites and biodiversity.	N/A	
SD8 Full fibre to the premises (FTTP)	Secures FTTP for all new developments	No LSE – unlikely to generate any impact pathway and allows for exceptions	N/A	
SD9 Telecommunications infrastructure	Supports telecommunications development with criteria for siting.	No LSE – this policy does not stipulate any quantum or location of development. These types of development will be the subject of additional assessment if within or with a potential to affect designated sites.	N/A	
SD 10 Flood risk and surface water drainage	Ensures an environmentally positive approach to managing flood risk and surface water	No LSE – an environmentally positive policy that can protect and enhance the natural environment.	In exceptional cases, project level HRA may be required.	
SD11 Coastal erosion	Qualitative policy for allowing development within the coastal change management area	No LSE – policy ensures no material impact on the environment	N/A	
SD12 Coastal adaptation	Qualitative policy for allowing replacement development from within the coastal change management area	No LSE – this policy includes protective wording to ensures no impact on the natural environment	N/A	
SD13 Pollution and hazard prevention and minimisation	Ensures an environmentally positive approach to preventing pollution	No LSE – an environmentally positive policy that can protect and enhance the natural environment.	N/A	
SD14 Transport impact of new development	A criteria-based policy that sets high level principles for managing transport implications of development.	No LSE – the policy is qualitative and includes a focus on sustainable travel options	N/A	

Plan section or Draft policy	Description	Initial LSE screening	Recommendations and opportunities	Re-screen
SD15 Parking provision	Standards and criteria for provision of parking spaces within development	No LSE –Impact pathways highly unlikely for this development type	N/A	
SD16 Electric vehicle charging	Provision for electric vehicle charging within new developments	No LSE –Impact pathways highly unlikely for this development type	N/A	
SD17 Safeguarding land for sustainable transport	Safeguards land from development where there is the potential for sustainable transport use	No LSE –Impact pathways highly unlikely for this development type	In exceptional cases, project level HRA may be required.	
Section 8 – Environment policies				
Introductory text	Provides important descriptions of designated sites and the role of the HRA	No LSE – strengthens the protective nature of the plan with clear explanations of wildlife assets and the iterative process of HRA as a plan develops. Positive references to the Norfolk wide visitor survey work and the evolving collaborative working with neighbouring authorities in relation to recreation mitigation	Potential to add further at later iterations of the plan and HRA.	
ENV1 Norfolk Coast AONB and the Broads NP	Protective and environmentally positive approach landscape assets	No LSE – an environmentally positive policy that can protect and enhance the natural environment.	N/A	
ENV2 Protection and enhancement of landscape and settlement character	Protective and environmentally positive approach landscape assets	No LSE – an environmentally positive policy that can protect and enhance the natural environment.	N/A	
ENV3 Heritage and undeveloped coast	Protective and environmentally positive approach the natural coastline	No LSE – an environmentally positive policy that can protect and enhance the natural environment.	N/A	
ENV4 Biodiversity and geology	Protective and environmentally positive approach to conserving and enhancing the natural environment	No LSE – a strong and comprehensive policy that adequately protects and enhances the natural environment. Designated sites, local assets and biodiversity net gains all included,	Potential to add further or split the policy to cover designated and non-designated biodiversity assets at later iterations of the plan and HRA.	

Plan section or Draft policy	Description	Initial LSE screening	Recommendations and opportunities	Re-screen
		in accordance with current national policy and good practice. Includes reference to an emerging mitigation strategy for recreation.		
ENV5 Green Infrastructure	Seeking adherence to the GI strategy within new developments	No LSE - An environmentally positive policy, which may support the emerging mitigation strategy for recreation	Potential to add further at later iterations of the plan and HRA.	
ENV6 Trees and hedgerows	Protective and environmentally positive policy for trees and hedgerows	No LSE – an environmentally positive policy that can protect and enhance the natural environment.	N/A	
ENV7 Open space and local greenspaces	Qualitative policy for open space provision	No LSE - An environmentally positive policy, which may support the emerging mitigation strategy for recreation	Potential to add further at later iterations of the plan and HRA.	
ENV8 Public rights of way	Protective policy for PROW	No LSE –Impact pathways highly unlikely for this development type	In exceptional cases, project level HRA may be required.	
ENV9 High quality design	Qualitative policy for the built environment	No LSE –Impact pathways highly unlikely for this development type	N/A	
ENV10 Protection of amenity	Protective policy for the built environment	No LSE –Impact pathways highly unlikely for this development type	N/A	
ENV11 Protecting and enhancing the historic environment	Protective policy for the built environment	No LSE –Impact pathways highly unlikely for this development type	N/A	
Section 9 – Housing policies				
HOU1 Housing target for market and affordable homes	States the overall quantum of new housing to be delivered over the plan period of 2016 to 2036 as between 10,500 and 11,000 new homes, with	LSE – overall quantum and locations of residential development poses a risk to ES through all impact pathways	Appropriate assessment	

Plan section or Draft policy	Description	Initial LSE screening	Recommendations and opportunities	Re-screen
	a settlement breakdown of housing numbers			
HOU2 Housing mix	Required housing type mix, dependent upon development size	No LSE – qualitative policy. All housing types need to be considered in the appropriate assessment and emerging mitigation strategy for recreation.	N/A	
HOU3 Affordable homes in the countryside	Criteria relating to the provision of affordable homes in the countryside	No LSE – qualitative policy. All housing types need to be considered in the appropriate assessment and emerging mitigation strategy for recreation.	N/A	
HOU4 Agricultural and other key worker accommodation	Criteria relating to the provision of agricultural homes in the countryside	No LSE – qualitative policy. All housing types need to be considered in the appropriate assessment and emerging mitigation strategy for recreation.	N/A	
HOU5 Gypsy, traveller and travelling show people's accommodation	Criteria relating to the provision of Gypsy, traveller and travelling show people's accommodation	No LSE – qualitative policy. All housing types, including those that are the subject of this policy, need to be considered in the appropriate assessment and emerging mitigation strategy for recreation.	N/A	
HOU6 Replacement dwellings, extensions and annexed accommodation	Criteria relating to developments for replacement dwellings, extensions and annexed accommodation	No LSE –Impact pathways highly unlikely for this development type	In exceptional cases, project level HRA may be required.	
HOU7 Re-use of rural buildings in the countryside	Qualitative policy with criteria for allowing re-use of rural buildings in the countryside	No LSE – qualitative policy. All housing types, including those that are the subject of this policy, need to be considered in the appropriate assessment and emerging mitigation strategy for recreation.	In exceptional cases, project level HRA may be required due to proximity to ES.	
HOU8 Accessible and adaptable homes	Qualitative policy with criteria for construction and design standards	No LSE – environmentally positive policy with energy efficiency requirements	N/A	
HOU9	Qualitative policy with criteria for space standards	No LSE – qualitative policy. Impact pathways highly unlikely	N/A	

Plan section or Draft policy	Description	Initial LSE screening	Recommendations and opportunities	Re-screen
Minimum space standards				
HOU 10 Water efficiency	Qualitative policy with criteria for water efficiency standards	No LSE – environmentally positive policy with water efficiency requirements	N/A	
HOU 11 Sustainable construction, energy efficiency and carbon reduction	Qualitative policy with criteria for construction and design standards	No LSE – environmentally positive policy with energy efficiency and carbon reduction requirements	N/A	
Section 10 – Economy policies				
ECN1 Employment land	Sets out the allocated locations for employment land, either retained or new	LSE – Employment site locations need to be checked for any site-specific concerns within the AA	Appropriate assessment	
ECN2 Employment areas, enterprise zones and redundant defence establishments	Sets out the allocated locations for employment areas and enterprise zones, either retained or new	LSE – Employment locations need to be checked for any site-specific concerns within the AA	Appropriate assessment	
ECN3 Employment development outside of employment areas	Qualitative policy with criteria for allowing employment development outside of employment areas	No LSE – qualitative policy. This policy does not stipulate any quantum or location of development.	Project level HRA may be required.	
ECN4 Retail and town centres	Qualitative policy focussing on town centres	No LSE – qualitative policy. Impact pathways highly unlikely due to town centre locations.	N/A	
ECN5 Signage and shop fronts	Qualitative policy for signage and shop fronts	No LSE – qualitative policy. Impact pathways highly unlikely due to town centre locations.	N/A	

Plan section or Draft policy	Description	Initial LSE screening	Recommendations and opportunities	Re-screen
ECN6 New build tourist accommodation, static caravans and holiday lodges	Criteria for allowing new build tourist accommodation, static caravans and holiday lodges	No LSE – qualitative policy. This policy does not stipulate any quantum or location of development.	Whilst biodiversity benefits are positively referred to, the policy does not list biodiversity as a constraint, which should be added.	
ECN7 Use of land for touring caravan and camping sites	Criteria for allowing touring caravan and camping sites.	No LSE – qualitative policy. This policy does not stipulate any quantum or location of development. Provides protective wording in relation to ecology.	N/A	
ECN8 New build and extensions to tourist attractions	Criteria for allowing new build and extensions to tourist attractions.	No LSE – qualitative policy. This policy does not stipulate any quantum or location of development. Provides protective wording in relation to ecology.	N/A	
ECN9 Retaining an adequate supply and mix of tourist accommodation	Criteria for allowing loss of tourism accommodation	No LSE – retention policy only, does not lead to new tourism growth.	N/A	
Section 11 – Town strategies and site allocations				
DS1 Proposed allocations	Identifies the site allocations and the settlement, housing number and area of land for each	LSE –locations and quantum of residential development poses a risk to ES through all impact pathways	Appropriate assessment	

Screening the site allocations

4.6 This section considers the residential site allocations within the North Norfolk Local Plan First Draft. Each of the site allocations has been mapped in order to show their proximity to the European sites. Map 10 and Map 11 show the allocations in detail, with the European sites identified.

4.7 The site allocations each have a unique reference number and the number of houses to be delivered at each site. This information is provided in Table 3, which also records which sites fall within set distances from European sites. The distances are generated using the centre point of each allocation and the table indicates where that point lies within the given distance band from a given European site. For the consideration of impact pathways, Footprint Ecology usually uses the following range of distances, which provide a guide and useful overview of potential impacts at that distance:

- 400m, which captures sites close to the European site boundary, where urban effects, run-off, recreation will likely to be of particular relevance. 400m is used at a range of other European sites such as the Thames Basin Heaths and Dorset Heaths to indicate a zone where there is a presumption against development.
- 2500m, highlighting allocations reasonably close to the site boundary but set further back. There may be hydrological issues and recreation may also be relevant.
- 5000m, representing a wider zone, but potentially still relevant for impacts such as recreation.

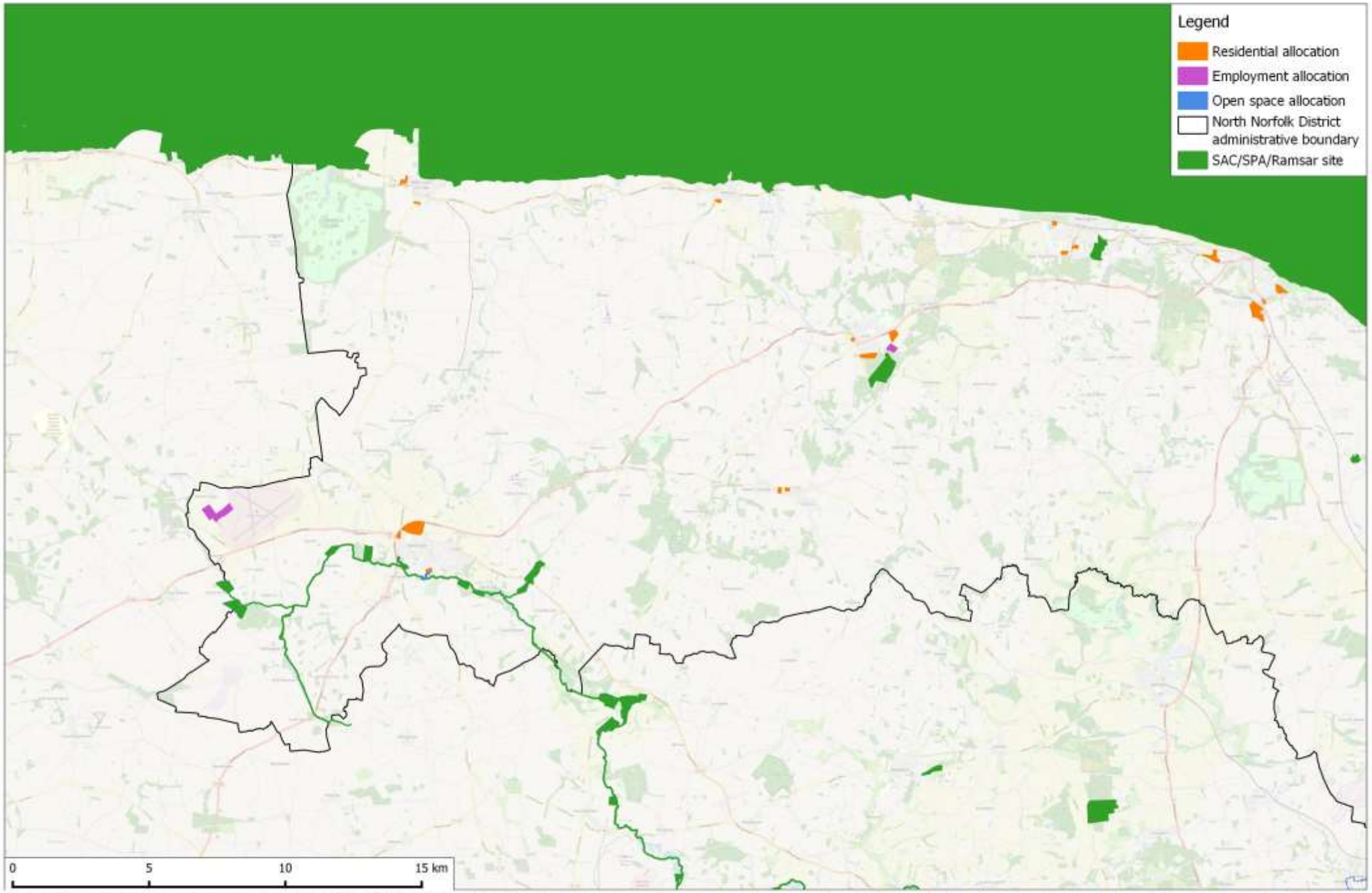
4.8 Allocations that lie outside the distance bands may still be implicated in cumulative impacts, for example in-combination effects from the overall quantum of development in the Local Plan and impacts from recreation. Nevertheless, the 5km band represents a useful check to gauge potential recreation issues. As discussed in the appropriate assessment, a strategic approach to mitigating for recreation pressure on the Norfolk European sites is in development. This will be informed by visitor data collected at the Norfolk European sites (Panter, Liley & Lowen 2017), which highlights that from both the Broads and East Coast sites distances beyond 5km visitor rates are low.

4.9 **Action for the next plan making stage** – The screening table provides a number of recommendations that the Council should incorporate into the next stage of plan making. These are minor word changes that do not require assessment at the appropriate assessment stage. Additionally, the table highlights where an issue is given more detailed consideration in the

appropriate assessment chapters. The appropriate assessment chapters then highlight any necessary action for the next plan making stage.

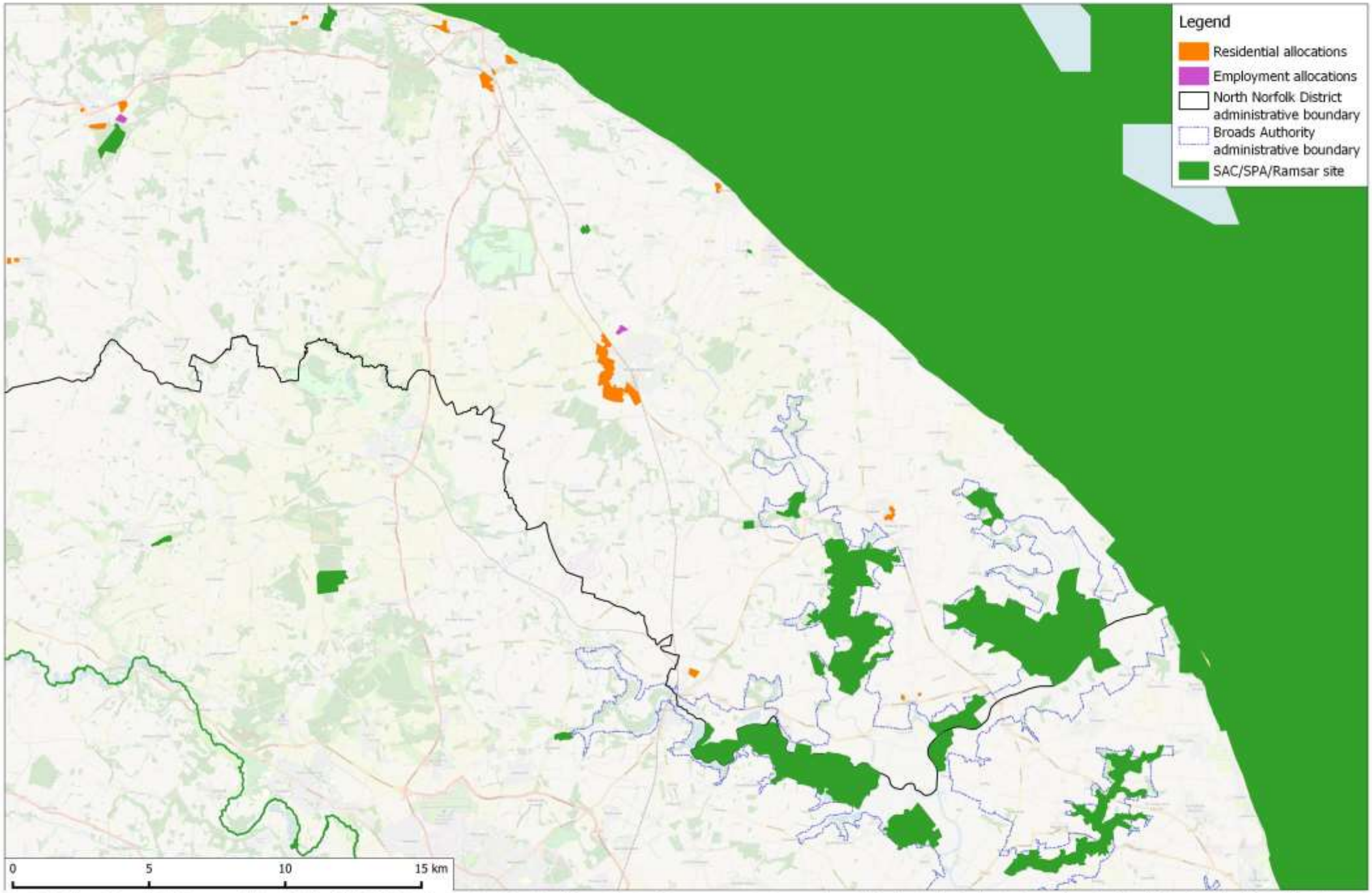
4.10 It should further be noted that the appropriate assessment chapters will be expanded further with more information at the next iteration of this HRA, informed by a re-screen of the plan, which may result in further actions being required.

Map 10: European sites and allocations; western District boundary.



Contains Ordnance Survey data © Crown copyright and Database Right 2018. Contains map data © OpenStreetMap contributors. Terms: www.openstreetmap.org/copyright Designated site boundaries download from the Natural England website © Natural England.

Map 11: European sites and allocations; eastern District boundary.



Contains Ordnance Survey data © Crown copyright and Database Right 2018. Contains map data © OpenStreetMap contributors. Terms: www.openstreetmap.org/copyright Designated site boundaries download from the Natural England website © Natural England.

Table 3: Summary of allocations within the North Norfolk First Draft Local Plan and distances with respect to selected European sites. Table has a row for all preferred sites. Site ref. refers to the site number in the GIS data provided to Footprint Ecology by the local authority. 1 = indicates the site falls within the given distance of the European site.

Preferred status	Site ref.	Norfolk Valley Fens SAC			North Norfolk Coast SAC/SPA/Ramsar site		Overstrand Cliffs SAC			River Wensum SAC			The Wash and North Norfolk Coast SAC		Broadland SPA/Ramsar site		The Broads SAC		Greater Wash SPA		
		400m	2500m	5000m	2500m	5000m	400m	2500m	5000m	400m	2500m	5000m	2500m	5000m	2500m	5000m	2500m	5000m	400m	2500m	5000m
Housing Site	C16						1	1	1											1	1
Housing Site	NW01/B																				
Housing Site	H04	1	1	1																	
Housing Site	H17		1	1																	
Housing Site	SH07		1	1															1	1	1
Housing Site	SH04		1	1																1	1
Housing Site	W01/1				1	1							1	1							1
Housing Site	BRI01			1																	
Housing Site	BLA04/A				1	1							1	1							1
Housing Site	LUD06/A														1	1	1	1			
Housing Site	BRI02			1																	
Housing Site	F01/B										1	1									
Housing Site	F10										1	1									
Housing Site	C07/2							1	1											1	1
Housing Site*	W07/1				1	1							1	1							1
Housing Site	H20		1	1		1															

Preferred status	Site ref.	Norfolk Valley Fens SAC			North Norfolk Coast SAC/SPA/Ramsar site		Overstrand Cliffs SAC			River Wensum SAC			The Wash and North Norfolk Coast SAC		Broadland SPA/Ramsar site		The Broads SAC		Greater Wash SPA		
		400m	2500m	5000m	2500m	5000m	400m	2500m	5000m	400m	2500m	5000m	2500m	5000m	2500m	5000m	2500m	5000m	400m	2500m	5000m
Housing Site	SH18/B		1	1																1	1
Housing Site	NW62			1																	
Housing Site	HV01/B														1	1	1	1			
Housing Site*	MUN03/A			1															1	1	1
Housing Site	LUD01/A														1	1	1	1			
Housing Site	F03										1	1									
Housing Site	ST23/2														1	1	1	1			1
Housing Site	ST19/A														1	1	1	1			1
Housing Site	C22/1							1	1											1	1
Housing Site*	C10/1			1				1	1										1	1	1
Employment Site	E7			1							1	1									
Employment Site	H27/1	1	1	1																	
Employment Site	E10																				
Open Space	F10									1	1	1									
Total		2	7	13	3	4	1	4	4	1	5	5	3	3	5	5	5	5	3	8	13

*These three housing allocations completely overlap with five additional Open Space allocations (MUN03/A (3x contiguous parcels), C10/1, and W07/1) which have therefore been excluded from Table 3.

5. Appropriate Assessment – Scope, Site Sensitivities

5.1 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 European site integrity.

5.2 An appropriate assessment should be based on evidence, and that can take different forms (direct evidence, comparable evidence, modelling, expert opinion, Natural England's advice etc). In reality however, appropriate assessments are often undertaken with some evidence, but not enough to give absolute or definitive answers. The assessment is therefore often drawing on the knowledge and experience of the assessors, to make scientifically justified decisions about risk.

5.3 The 'precautionary principle' is equally relevant for the appropriate assessment as it is for screening likely significant effects. It is an accepted principle that is embedded within the wording of the legislation, and latterly within case decisions, both European and domestic. Essentially, the appropriate assessment stage is, in accordance with the Habitats Regulations, an assessment that enables a competent authority to only give effect to a plan or authorise/undertake a project after having ascertained that it will not adversely affect the integrity of the European site.

5.4 It is for the competent authority to gather the information and evidence necessary for the appropriate assessment to give them certainty that adverse effects will not occur. Fundamentally that therefore means that in the absence of certainty, the plan or project should not normally proceed (subject to the further exceptional tests explained in Appendix 1). Hence the precaution is in the competent authority's duty to only allow plans or projects to proceed whether there is certainty and to apply a precautionary approach where uncertainties remain. Competent authorities should have enough evidence to satisfy themselves that there are feasible measures to prevent adverse effects. These should be feasible in terms of cost, practical implementation, timeliness and attributing responsibility.

Conclusions from screening for likely significant effects

5.5 The screening for likely significant effects consists of a screening of policies and then the site allocations. The North Norfolk Local Plan at First Draft stage has

policies that have been developed with the need to protect European sites understood, and the policies contain strong wording and supporting text that enables a conclusion of no likely significant effects for most policies. The North Norfolk Local Plan First Draft has the benefit of a comprehensive suite of environmental policies, with supporting text that identifies recreation pressure as a key issue for the coastal designated sites.

5.6 **Action for the next plan making stage -** Policy ENV 4, Biodiversity and Geology, covers designated and non-designated biodiversity features, and focusses on biodiversity benefits and gains, both within and outside deviated sites. At the First Draft Local plan stage, it is concluded that the wording is adequate for European site protection, but that there would be benefit in setting out more clearly the requirements for European sites as a separate policy to the wider requirements for biodiversity and geodiversity. This would be beneficial as the emerging strategic mitigation approach to alleviate recreation pressure is likely to require more detailed policy and supporting text working to give clarity on developer requirements. It is therefore recommended that this policy is revisited again at the next stage of plan making, and Footprint Ecology will work with the planning officers to ensure that policy wording is developed that reflects the necessary commitments from the Council and requirements for developers in light of the strategy.

5.7 **Action for the next plan making stage -** A small number of recommendations are made within Table 2 for the policies, which would only require minor changes.

Appropriate assessment themes

5.8 The main impact pathway to take to appropriate assessment is identified as recreation pressure, and this is applicable to all of the European sites screened into the assessment apart from the River Wensum SAC.

5.9 For the site allocations, housing sites H04, C16, C10/1. SH07, MUN03/A and LUD01/A are within 400m of a European site. Employment allocation H2701 is also located within 400m of a European site. Open space allocation F10 is similarly within 400m. These sites are considered in further detail in the appropriate assessment in relation to urbanisation impacts.

5.10 A number of sites lie within 2500m of European sites. The appropriate assessment considers water quality and water resource impacts in terms of these sites individually and as general themes in relation to overall pressure on water quality and resources from the full quantum of growth within the emerging plan.

European site sensitivities

5.11 This section of the report reviews the sensitivities of each European site and any evidence to inform site considerations. The following European sites were screened into the assessment:

- Winterton-Horsey Dunes SAC
- Norfolk Valley Fens SAC
- North Norfolk Coast SAC/SPA/Ramsar site
- Overstrand Cliffs SAC
- River Wensum SAC
- The Wash and North Norfolk Coast SAC
- Great Yarmouth North Denes SPA
- Breydon Water SPA/Ramsar site
- Broadland SPA/Ramsar site
- The Broads SAC
- Greater Wash SPA

Winterton Horsey Dunes SAC and Great Yarmouth North Denes SPA

5.12 Winterton–Horsey Dunes is designated for its Atlantic decalcified fixed dunes, humid dune slacks, embryonic shifting dunes, and shifting dunes along the shoreline with *Ammophila arenaria*. The conservation objectives for the site require the maintenance of the range of habitats and associated species reflecting the different stages of succession. For sand dune systems, this requires maintaining, or restoring where necessary, the natural processes and dynamics of dune development and succession.

5.13 Visitor access for recreation causes damage through tramping of vegetation and the sand dunes themselves, and dog fouling causes eutrophication. Sand dunes are also susceptible to wildfires. Fire making within dunes can be popular for barbequing or for socialising around in the evenings with the backdrop of the beach and sea. Winterton–Horsey Dunes SAC is vulnerable to increased recreation pressure and is a popular site for dog walkers, likely to attract people looking for a longer walk and wilder experience.

5.14 The main effect of increased visitor pressure is likely to be an increase in trampling. This will increase the area of bare ground, compaction and surface movement of sediment, loss of vegetation species diversity and cover. The mobile dunes and fixed dunes (particularly lichen rich areas) are likely to be the most vulnerable. It is worth noting that visitor access can be both beneficial to sand dune communities at low intensity and so managed access rather than exclusion is the most optimal solution.

5.15 The Site Improvement Plan for Winterton-Horsey Dunes SAC is a joint plan for both the SAC and North Denes SPA. It highlights specific disturbance issues relating to the Little Tern population, and wider recreation pressure on the designated habitat features. It highlights the Norfolk wide recreation management work being undertaken by the Norfolk authorities in partnership. The SIP also notes airborne pollution issues for the SAC habitats.

5.16 The North Norfolk First Draft Local Plan does not allocate any sites for development within 5km of the SAC/SPA. It is therefore concluded that the only potential impact is increased recreation pressure, which would be in combination with surrounding growth from neighbouring local plans. As such, this site is considered in terms of the emerging strategic recreation mitigation strategy discussed later within this HRA.

Norfolk Valley Fens SAC

5.17 The Norfolk Valley Fens SAC is a European site made up of a number of isolated lowland alkaline fen fragments. Spring-fed flush fens are very rare in the lowlands and have a rich associated floral diversity. There are 14 fens that make up the SAC, which is also designated for the Narrow-mouthed whorl snail *Vertigo angustior* and Desmoulin's whorl snail *Vertigo moulinsiana*, both of which have restricted ranges due to the rarity of fen habitat on which they rely. Other associated habitat for which the site is designated include grasslands and heathlands, with alluvial forests and calcareous fens with Great fen sedge *Cladium mariscus* being priority habitats.

5.18 There are potential concerns with regard to isolation, run-off and water abstraction in relation to the Norfolk Valley Fens SAC and run off in particular is a focus of Natural England's programme of site improvements.

5.19 Site allocations in close proximity will need to be checked for potential impacts in relation to water run-off and pollution. Visitor pressure may also be a concern at some of the fen sites.

North Norfolk Coast SAC/SPA/Ramsar site

5.20 This site is an area of active sand dunes on shingle barrier islands and spits. A range of dune habitats form the designated features, along with Common seal *Phoca vitulina* and Petalwort *Petalophyllum ralfsii*. Coastal lagoons and fixed dunes with herbaceous vegetation are priority habitat features.

5.21 The SPA is classified for breeding tern colonies; Sandwich tern *Sterna sandvicensis*, Common tern *Sterna hirundo* and Little tern *Sterna albifrons*. A

range of other bird species in nationally or internationally important numbers are supported by the site, including wildfowl and waterfowl.

5.22 Visitor pressure at this site is a key issue, along with infrastructure developments along the coastline. This site is a key site for consideration in the strategic mitigation requirements for Norfolk European sites, as discussed later in this report.

Overstrand Cliffs SAC

5.23 This SAC is designated for its vegetated sea cliffs, which support a wide diversity of flora with maritime influence. The cliffs are dynamic in response to coastal erosion and these processes, along with exposure to the sea, influence the vegetation communities found here, which range from pioneer to woodland communities. Freshwater seepages through the cliffs bring further diversity to the plant species found. The SIP for this site lists inappropriate coastal management as the key threat to the site. It is concluded that there are unlikely to be plan related impact pathways, but site allocations in close proximity need to be checked for certainty.

River Wensum SAC

5.24 The River Wensum SAC is designated for its riverine habitat with floating vegetation dominated by water-crowfoot. The river is a calcareous lowland river surrounded by grazing land and woodland. Desmoulin's whorl snail *Vertigo moulinsiana* is also a qualifying feature of this SAC amongst riparian habitats. White-clawed crayfish *Austropotamobius pallipes,* Brook lamprey *Lampetra planeri* and Bullhead *Cottus gobio* are also qualifying species supported by the river.

5.25 Water quality is of key concern for the site, and threats are primarily related to agricultural practices. A precautionary check of site allocations is required, along with confirmation from Natural England that there are no further development related issues.

The Wash and North Norfolk Coast SAC

5.26 This site is designated as an SAC for its range of coastal habitats of European importance, which in turn support both breeding and non-breeding bird species for which the SPA is classified. Large numbers of over-wintering waterfowl and migratory species are supported by the SPA. The Ramsar listing includes both habitat and bird features. Coastal, sub-tidal and marine habitats form SAC interest, along with Common seal *Phoca vitulina* and Otter *Lutra lutra*. Coastal lagoons are a priority habitat feature.

5.27 Visitor pressure at this site is a key issue, along with infrastructure developments along the coastline. This site is a key site for consideration in the strategic mitigation requirements for Norfolk European sites, as discussed later in this report.

Breydon Water SPA/Ramsar site

5.28 Breydon Water is a tidal estuary at the mouth of the River Yare and its confluence with the Rivers Bure and Waveney. Extensive areas of mud are exposed at low tide and these are a valuable feeding resource for water birds as they are the only intertidal flats occurring on the east coast of Norfolk. The mudflats are characterised by growths of green algae *Enteromorpha* sp. and *Ulva* sp. and two uncommon species of Eel-grass *Zostera marina* and *Z. noltii*. These plants, together with an abundant invertebrate fauna, attract large numbers of ducks and waders to feed in the estuary at the appropriate seasons. Numbers of passage and wintering waterfowl using the estuary will build from July onwards through the winter until March.

5.29 Breydon Water therefore occupies a key position on the east coast for a range of wintering, passage and breeding bird species. Recreation pressure on the site is therefore of concern throughout the year, with the potential to disturb birds both within and outside the breeding season. The access levels at Breydon Water are not considered to be overly excessive, but need review. The SIP for Breydon Water identifies that Natural England, the RSPB and the Broads Authority are working together to identify and monitor recreation activities and their potential consequences for the site interest features.

5.30 This site is a key site for consideration in the strategic mitigation requirements for Norfolk European sites, as discussed later in this report.

Greater Wash SPA

5.31 The landward boundary of this SPA is mean high water at the coast, and the seaward boundary lies approximately 14 nautical miles from the shore. The site is classified for foraging areas for a range of seabirds, and the site is protected in conjunction with other marine sites supporting a range of tern, gull and diver species. It is concluded that there are unlikely to be plan related impact pathways, but site allocations in close proximity need to be checked for certainty.

The Broads SAC and Broadland SPA/Ramsar site

5.32 The Broads SAC and Broadland SPA/Ramsar site are sensitive to changes to water levels and water quality. These European sites are within 'The Broads,' an

area of over 300 square kilometres established as an area of national value for its landscape and wildlife rich wetlands, with a similar purpose and function to National Parks, but established under its own legislation; the Norfolk and Suffolk Broads Act 1988. 'The Broads Authority manages the Broads and is the local planning authority for the designated area of The Broads, hence the exclusion of the Broads from the North Norfolk Local Plan. The Broads Authority has additional responsibilities as a harbour and navigation authority. Water management is fundamental to all functions of the Broads Authority and is the foundation of many of its plans and strategies. Protecting and managing the water resource is a key theme within its new Local Plan, currently being finalised for adoption.

5.33 The HRAs for the Broads Local Plan and the Broads Management Plan both focus on visitor management, including boating activities. The plans provide comprehensive measures for managing tourism, and this accords with the duties of The Broads Authority.

5.34 Flooding and water quality issues are excluded on the basis of the distance between settlements and the European sites. Local flooding issues are at the forefront of spatial planning within the Broads, managed by the Broads Authority.

5.35 In terms of water supply, the Core Strategy HRA noted that the Anglian region is one of the driest in the UK, with very low annual rainfall. The relevant parts of the Broads are covered by the Essex & Suffolk Water utility company. Each water utility company has to produce and regularly update a Water Resource Management Plan (WRMP). The current WRMP, now running from 2015 onwards, concludes that there will be a supply surplus.

5.36 The SIP has a notable focus on water improvements, and also makes reference to the need to gather better research information on the potential recreational disturbance caused by different users, and action being led by Natural England.

5.37 Whilst some allocations are within 2500m and 5km of the Broads European sites, it is concluded that the only potential impact is increased recreation pressure, which would be in combination with surrounding growth from neighbouring local plans. As such, this site is considered in terms of the emerging strategic recreation mitigation strategy discussed later within this HRA.

6. Appropriate Assessment – Mitigation measures recommended by previous HRA and progress to date

6.1 The most recent North Norfolk plan level HRA work is the 2010 HRA undertaken by Royal Haskoning for the Site Allocations document. This concluded that the site allocations set out within the plan would not cause an adverse effect on any of the European sites with the commitment of North Norfolk District Council to progress key measures at a strategic level in relation to recreation. The activities required are summarised below:

- A programme of assessing visitor behaviour at European sites and their potential impact, to establish a pre-development baseline from which the impact of future development can be assessed.
- Provision of open space within the larger site allocations is provided for, and the HRA of the Site Allocations advised that there is a need for further understanding of the potential role of these open spaces and the green infrastructure network in reducing pressure on European sites.
- Ensuring that any future monitoring taking place at European sites is complementary to advancing the evidence base in relation to consideration of recreation impacts and mitigation needs.
- A programme of mitigation measures to potentially include interpretation materials, visitor education, activity or season specific restriction measures, footpath closures or re-routing, car parking considerations and alternative greenspaces.

6.2 **Action for the next plan making stage -** The progression of these measures into a coherent strategy will be reviewed again at the next iteration of this HRA, and Natural England's advice sought.

7. Appropriate Assessment - Norfolk Wide Visitor Survey Work

7.1 This section reviews a piece of new evidence (Panter, Liley & Lowen 2017) that is relevant to the HRA. The report was published in early 2017, providing Norfolk wide visitor survey work across multiple European sites.

7.2 This survey work was commissioned by a partnership of Norfolk local planning authorities, responding to previous plan level HRA work that identified recreation pressure as a risk to the Norfolk European sites. That HRA work included HRA reports for North Norfolk planning documents, both for the Core Strategy and the Site Allocations. The HRA for the Site Allocations concluded that the Council needed to progress a programme of visitor activity evidence gathering and identification of targeted access management measures. The Norfolk wide visitor survey work provides for the first of those two requirements in relation to mitigating for recreation pressure.

7.3 With the visitor survey work complete and analysis undertaken, predictions of future visitor pressure across the sites has been developed and this provides an evidence platform from which the local planning authorities to work together in developing complementary solutions.

7.4 The report by Panter, Liley & Lowen presents the findings of visitor surveys undertaken at European sites across Norfolk over 2015 and 2016. The results provide an in-depth analysis of current and projected visitor patterns to the European sites, combining data from multiple local authorities to predict changes in recreation use as a result of new housing planned across Norfolk. The work was commissioned by Norfolk County Council and the Norfolk Biodiversity Partnership (NBP) on behalf of all local planning authorities across Norfolk.

7.5 The surveyed locations at the European sites all had public access and therefore the potential for increased recreation levels with new housing growth. Surveys at each point involved 16 hours of survey work split evenly between weekdays and weekends and spread across daylight hours. As such fieldwork was standardised and broadly comparable. Surveys took place at different times of year at different locations, with the timing targeted to coincide with times when wildlife interest (e.g. designated features of European Protected sites) was present and access was likely to be high. Fieldwork involved counts of people and interviews with a random sample of visitors

7.6 The report provides initial recommendations for mitigation and monitoring, and these initial recommendations are now being developed by the Norfolk

authorities with a new commission for a recreation mitigation strategy, as detailed below.

7.7 The results of the visitor survey work highlight how recreation change, particularly at the North Coast, the Broads and the Valley Fens, will be linked to development across multiple local authorities and solutions are likely to be most effective if delivered and funded in partnership.

7.8 In analysing the data and the proximity of settlements to the sites, a check of access routes has concluded that accessibility by foot is limited, and so visitors would be more likely to go by car. Access could potentially be made into The Broads from some locations by canoe, which is a popular activity within The Broads.

7.9 **Action for the next plan making stage -** Reference to the partnership working with the Norfolk wide authorities on this matter is important to demonstrate an ongoing commitment. This is provided within the First Draft Local Plan and will be reviewed again to ensure it is up to date at the next iteration of the Local Plan.

8. Appropriate Assessment – Norfolk Wide Green Infrastructure and Recreation Management Strategy

8.1 The partnership of Norfolk local planning authorities has recognised from the Norfolk wide visitor survey work that increased growth is likely to bring increased recreation pressure to the Norfolk European wildlife site in the absence of avoidance and mitigation measures. The authorities have therefore developed a specification for researching, designing and costing a Norfolk wide strategy to protect the European sites from additional recreation pressure arising from new growth in the local plans. The specification for this comprehensive piece of work includes developing a strategy for both on-site access management of visitors and off-site provision of greenspaces to provide a recreation function that reduces the number of visitors that would otherwise go to the European sites.

8.2 The work has now been awarded to consultants to undertake, and it is therefore anticipated that this section of the HRA will be expanded to include an explanation of the progression of this work and how it needs to be attributed in policy, at the next iteration of the HRA. In summary, it is currently understood that the work will involve the following:

- Assessment of current green infrastructure provision and future provision within site allocations, to inform additional green infrastructure requirements for European site mitigation purposes
- Access management measures to be implemented at the European sites, justified with evidence and costed to provide a per house contributions tariff
- Establishment of a project board to oversee implementation.

8.3 **Action for the next plan making stage - I**t is apparent that the site allocations within the emerging plan need to be refined to reflect the strategic approach. Allocations may be specifically required to provide green infrastructure, or other measures depending on their proximity, and all will be required to make a financial contribution to the on-site measures, based on a per house tariff. Footprint Ecology will work with the Council to develop wording in relation to site allocations further, to inform the next stage of plan making.

9. Appropriate Assessment – Urbanisation

9.1 The screening of the site allocations identified that housing sites H04, C16, C10/1. SH07 and MUN03/A are within 400m of a European site. Employment allocation H2701 is also located within 400m of a European site. Open space allocation F10 is similarly within 400m.

9.2 Housing site C16 is within 400m of the Overstrand Cliffs SAC. The site is on the eastern edge of Cromer and is allocated for approximately 180 houses. The site does not present any threats that would be of relevance to the SAC, which is primarily under threat from coastal management and other impact pathways are not present.

9.3 Housing sites C10/1. SH07, MUN03/A are within 400m of the Greater Wash SPA. These housing sites are within or at the edge of existing settlements and do not present any particular threats to this SPA, which is classified for seabird foraging.

9.4 F10 is an allocation for greenspace in close proximity to the River Wensum SAC at risk of flooding, and therefore identified as open space to support nearby residential development. Constraints in relation to ensuring protection of the SAC are already referred to in the policy and supporting text for this allocation.

9.5 Housing site H04 is within 400m of the Norfolk Valley Fens SAC. It is a greenfield site of 7.1ha to the south of Holt. H27/1 is an employment site at Heath Farm, Holt. The site is greenfield land and if developed would extend the existing adjacent employment area by a further 6 ha. The site is also within 400m of the Norfolk Valley Fens SAC, and potential impact pathways are therefore related to water run-off and pollution.

9.6 As these sites are greenfield sites, any development has the potential to alter run-off rates and water quality. Currently the constraints listed within the plan at First Draft do not include water management, although H04 does refer to off-site mains water reinforcement, and it is therefore imperative that this allocation provides clear requirements for protecting the SAC.

9.7 **Action for the next plan making stage -** Given their proximity to the Norfolk Valley Fens SAC, it is recommended that the policy wording for allocations H04 and H27/1 makes reference to the need to provide adequate information to support project level HRA. The supporting text for these allocations could then refer to demonstrating no adverse effect on the Norfolk Valley Fens SAC through provision of appropriate run off and pollution management measures such as SuDs, maintenance of greenfield run off rates and water quality management plans. These measures are suitable for protecting the Fens and with the incorporation of clear policy wording and the need for project level HRA, adverse

effects on site integrity should be prevented. These allocations will be checked again at the next iteration of the HRA.

10. Appropriate Assessment - Hydrological Considerations

10.1 With the exception of the Broads, the North Norfolk area is covered by Anglian Water. The most recent iteration of the Norfolk Strategic Planning Framework in March 2018 lists the required water infrastructure improvements that are required to cover growth across Norfolk. The Framework includes a commitment to ensuring that development is aligned with the necessary delivery of water infrastructure.

10.2 The previous North Norfolk Site Allocations HRA included detailed assessment of water issues, drawing on information that at the time was pertinent with the progression of the Review of Consents. The HRA concluded that water matters were resolved by commitments made by Anglian Water and the Environment Agency, and communications in relation to the Review of Consents and HRAs undertaken. These are now somewhat out of date and it will be necessary to gain new assurances in relation to the timely delivery of water infrastructure to meet demand. It is important to remember that available capacity needs to be confirmed at the plan level, as once development projects have planning permission, connection to deliver water supply and waste water treatment is normally assumed.

10.3 Water supply to North Norfolk is from the North Norfolk Coast Cromer Ridge chalk aquifer, and this, along with water supply to the Norfolk area as a whole is an area of serious water stress.

10.4 **Action for the next plan making stage -** A Water Cycle Study is being prepared to form part of the North Norfolk Local Plan evidence base. This study, along with discussions with the Environment Agency, Anglian Water and Natural England will inform the next iteration of the HRA. This should provide the information necessary to continue the previous assurances of timely water infrastructure delivery alongside growth.

10.5 **Action for the next plan making stage -** n addition, there are a number of allocations within 2500m of water sensitive European sites. Whilst these are not in very close proximity, a check of any potential linkages via watercourses will be undertaken to inform the next plan making stage. Where any connections are found, precautionary protective wording for project level HRA and potential mitigation will be added. The allocations will also be checked to ensure that there are not any allocation specific concerns over and above those typical for a housing or employment allocation. Natural England will be contacted to ensure that there are no additional concerns in relation to the River Wensum SAC.

11. HRA Findings and Recommendations

11.1 This section summarises the screening and appropriate assessment findings for the North Norfolk First Draft Local Plan. This HRA remains in draft and will be updated at the next stage of plan making. In particular, the following matters will require further assessment:

- A full re-screen for likely significant effects and updating the appropriate assessment accordingly
- Checking the progression of the strategic mitigation strategy for recreation pressure across the Norfolk European sites
- Advising on policy wording in relation to the recreation strategy
- Re-checking policy wording in relation to allocations H04 and H27/1 due to close proximity to the Norfolk Valley Fens SAC. Wording relating to managing water run-off and pollution prevention should be incorporated
- Further evidence gathering to gain up to date information in relation to water resources and waste water infrastructure to have certainty in the delivery of the overall quantum of growth without adverse effects on site integrity.
- A precautionary check for any watercourse connections between allocations and European sites within 2.5km.

Conclusions

11.2 This HRA has been prepared for the North Norfolk First Draft Local Plan Part 1, which will be the subject of public consultation. The plan will then be refined in light of the consultation, and a Final Plan prepared for submission for Examination in Public. This HRA report will therefore be updated at the next stage of plan making, to take account of any changes.

11.3 Whilst a conclusion of no adverse effects on European site integrity cannot currently be made. It is concluded that there are measures recommended or in progress that are capable of providing the necessary certainty to enable a conclusion of no adverse effects at the next iteration of the HRA.

11.4 Discussions with Natural England will check their support for the mitigation proposals and these discussions will therefore inform the next iteration of this HRA. This HRA will also be updated to reflect any other consultee responses of relevance to the HRA.

12. References

Bobbink, R., Hornung, M. & Roelofs, J.G.M. (1998) The effects of air-borne nitrogen pollutants on species diversity in natural and semi-natural European vegetation. *Journal of Ecology*, **86**, 717–738.

Liley, D., Lake, S., Underhill-Day, J., Sharp, J., White, J., Hoskin, R., Cruickshanks, K. & Fearnley, H. (2010) *Welsh Seasonal Habitat Vulnerability Review*. Footprint Ecology / CCW.

Lowen, J., Liley, D., Underhill-Day, J. & Whitehouse, A.T. (2008) Access and Nature Conservation Reconciliation: supplementary guidance for England.

Panter, C., Liley, D. & Lowen, S. (2017) *Visitor Surveys at European Protected Sites across Norfolk in 2015 and 2016*. Unpublished report by Footprint Ecology for Norfolk County Council.

Saunders, C., Selwyn, J., Richardson, S., May, V. & Heeps, C. (2000) *A Review of the Effects of Recreational Interactions within UK European Marine Sites*. UK CEED & Bournemouth University.

Stevens, C.J., Duprè, C., Dorland, E., Gaudnik, C., Gowing, D.J.G., Bleeker, A., Diekmann, M., Alard, D., Bobbink, R., Fowler, D., Corcket, E., Mountford, J.O., Vandvik, V., Aarrestad, P.A., Muller, S. & Dise, N.B. (2011) The impact of nitrogen deposition on acid grasslands in the Atlantic region of Europe. *Environmental Pollution*, **159**, 2243–2250.

Underhill-Day, J.C. (2005) *A Literature Review of Urban Effects on Lowland Heaths and Their Wildlife*. English Nature, Peterborough.

13. Appendix 1 - The Habitats Regulations Assessment Process

13.1 The designation, protection and restoration of European wildlife sites is embedded in the Conservation of Habitats and Species Regulations 2017, as amended, which are commonly referred to as the 'Habitats Regulations.' The Regulations were recently updated to consolidate previous amendments and correct minor errors. The recent amendments do not substantially affect the principles of European site assessment as defined by the 2010 Regulations, and which forms the focus of this report. Regulation numbering has however altered from the 2010 version. Amendments to the new 2017 regulations were made in 2018, and again these do not affect the principles of European site assessment for plans and projects.

13.2 The Habitats Regulations are in place to transpose European legislation set out within the Habitats Directive (Council Directive 92/43/EEC), which affords protection to plants, animals and habitats that are rare or vulnerable in a European context, and the Birds Directive (Council Directive 2009/147/EC), which originally came into force in 1979, and which protects rare and vulnerable birds and their habitats. These key pieces of European legislation seek to protect, conserve and restore habitats and species that are of utmost conservation importance and concern across Europe. Although the Habitats Regulations transpose the European legislation into domestic legislation, the European legislation still directly applies, and in some instances, it is better to look to the parent Directives to clarify particular duties and re-affirm the overarching purpose of the legislation.

13.3 European sites include Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) classified under the Birds Directive. The suite of European sites includes those in the marine environment as well as terrestrial, freshwater and coastal sites. European sites have the benefit of the highest level of legislative protection for biodiversity. Member states have specific duties in terms of avoiding deterioration of habitats and species for which sites are designated or classified, and stringent tests have to be met before plans and projects can be permitted, with a precautionary approach embedded in the legislation, i.e. it is necessary to demonstrate that impacts will not occur, rather than they will. The overarching objective is to maintain sites and their interest features in an ecologically robust and viable state, able to sustain and thrive into the long term, with adequate resilience against natural influences. Where sites are not achieving their potential, the focus should be on restoration.

13.4 The UK is also a contracting party to the Ramsar Convention, which is a global convention to protect wetlands of international importance, especially those wetlands utilised as waterfowl habitat. In order to ensure compliance with the requirements of the Convention, the UK Government expects all competent authorities to treat listed Ramsar sites as if they are part of the suite of designated European sites, as a matter of government policy, as set out in Section 118 of the National Planning Policy Framework. Most Ramsar sites are also a SPA or SAC, but the Ramsar features and boundary lines may vary from those for which the site is designated as a SPA or SAC.

13.5 It should be noted that in addition to Ramsar sites, the National Planning Policy Framework also requires the legislation to be applied to potential SPAs and possible SACs, and areas identified or required for compensatory measures where previous plans or projects have not been able to rule out adverse effects on site integrity, yet their implementation needs meet the exceptional tests of Regulation 64 of the Habitats Regulations, as described below.

13.6 The step by step process of HRA is summarised in the diagram below. Within the Habitats Regulations, local planning authorities, as public bodies, are given specific duties as 'competent authorities' with regard to the protection of sites designated or classified for their species and habitats of European importance. Competent authorities are any public body individual holding public office with a statutory remit and function, and the requirements of the legislation apply where the competent authority is undertaking or implementing a plan or project, or authorising others to do so. Regulation 62 of the Habitats Regulations sets out the HRA process for plans and projects, which includes development proposals for which planning permission is sought. Additionally, Regulation 105 specifically sets out the process for assessing emerging land use plans.

13.7 The step by step approach to HRA is the process by which a competent authority considers any potential impacts on European sites that may arise from a plan or project that they are either undertaking themselves, or permitting an applicant to undertake. The step by step process of assessment can be broken down into the following stages, which should be undertaken in sequence:

- Check that the plan or project is not directly connected with or necessary for the management of the European site
- Check whether the plan or project is likely to have a significant effect on any European site, from the plan or project alone
- Check whether the plan or project is likely to have a significant effect on any European site, from the plan or project in-combination with other plans or projects
- Carry out an Appropriate Assessment

- Ascertain whether an adverse effect on site integrity can be ruled out

13.8 After undertaking a screening for likely significant effects, a competent authority may consider that there is a need to undertake further levels of evidence gathering and assessment in order to have certainty, and this is the Appropriate Assessment stage. At this point the competent authority may identify the need to add to or modify the project in order to adequately protect the European site, and these mitigation measures may be added through the imposition of particular restrictions and conditions.

13.9 For plans, the stages of HRA are often quite fluid, with the plan normally being prepared by the competent authority itself. This gives the competent authority the opportunity to repeatedly explore options to prevent impacts, refine the plan and rescreen it to demonstrate that all potential risks to European sites have been successfully dealt with.

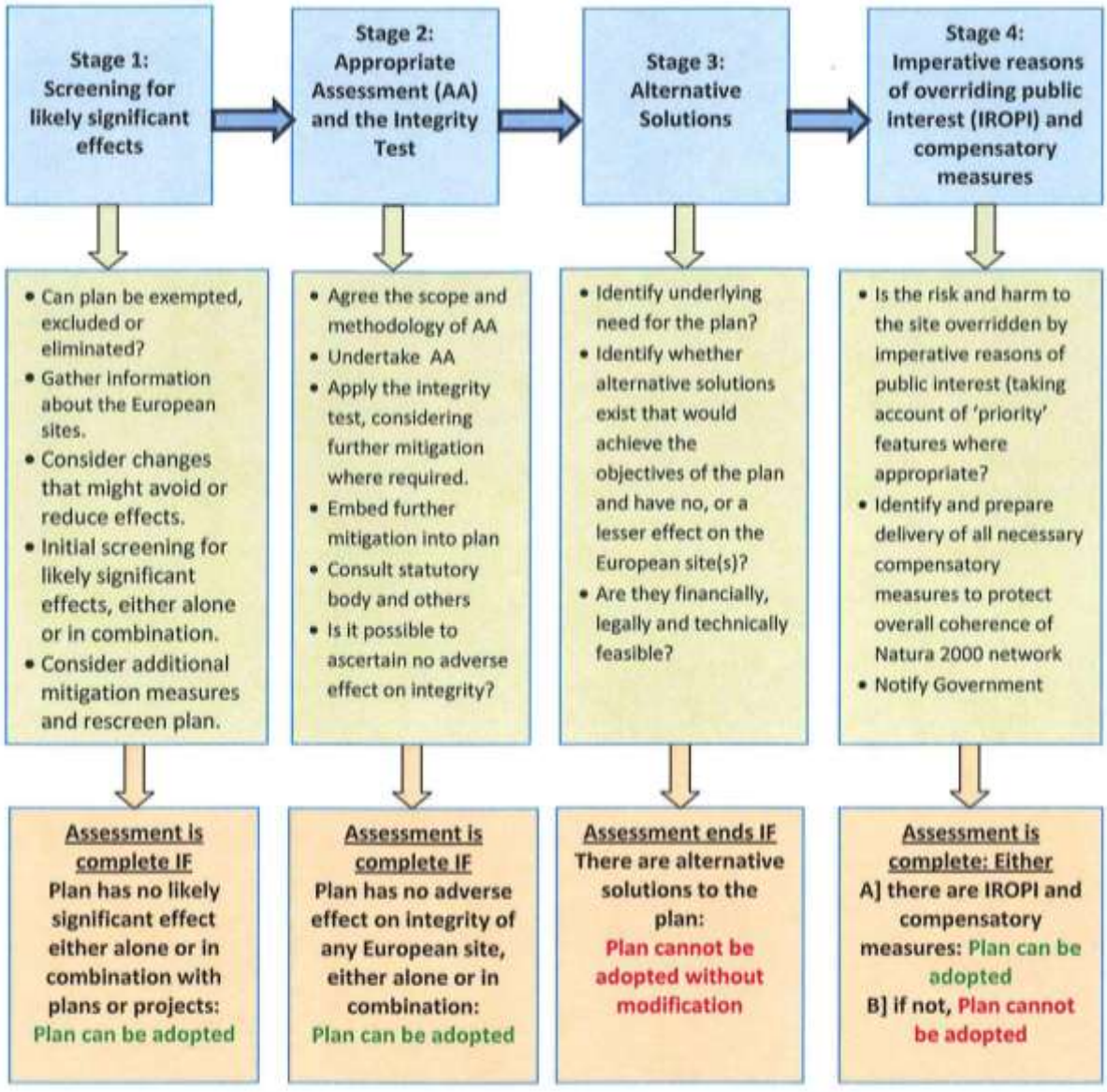
13.10 When preparing a plan, a competent authority may therefore go through a continued assessment as the plan develops, enabling the assessment to inform the development of the plan. For example, a competent authority may choose to pursue an amended or different option where impacts can be avoided, rather than continue to assess an option that has the potential to significantly affect European site interest features.

13.11 After completing an assessment, a competent authority should only approve a project or give effect to a plan where it can be ascertained that there will not be an adverse effect on the integrity of the European site(s) in question. In order to reach this conclusion, the competent authority may have made changes to the plan, or modified the project with restrictions or conditions, in light of their Appropriate Assessment findings.

13.12 Where adverse effects cannot be ruled out, there are further exceptional tests set out in Regulation 64 for plans and projects and in Regulation 107 specifically for land use plans. Exceptionally, a plan or project could be taken forward for imperative reasons of overriding public interest where adverse effects cannot be ruled out and there are no alternative solutions. It should be noted that meeting these tests is a rare occurrence and ordinarily, competent authorities seek to ensure that a plan or project is fully mitigated for, or it does not proceed.

13.13 In such circumstances where a competent authority considers that a plan or project should proceed under Regulations 64 or 107, they must notify the relevant Secretary of State. Normally, planning decisions and competent authority duties are then transferred, becoming the responsibility of the Secretary of State, unless on considering the information, the planning authority is directed by the Secretary of State to make their own decision on the plan or

project at the local level. The decision maker, whether the Secretary of State or the planning authority, should give full consideration to any proposed 'overriding reasons' for which a plan or project should proceed despite being unable to rule out adverse effects on European site interest features, and ensure that those reasons are in the public interest and are such that they override the potential harm. The decision maker will also need to secure any necessary compensatory measures, to ensure the continued overall coherence of the European site network if such a plan or project is allowed to proceed.



Extract from *The Habitats Regulations Assessment Handbook*, www.dtapublications.co.uk
© DTA Publications Limited (September) 2013 all rights reserved
This work is registered with the UK Copyright Service

13.14

Figure 1: Outline of the assessment of plans under the Habitat Regulations

14. Appendix 2 – The European Site Conservation Objectives

14.1 As required by the Directives, 'Conservation Objectives' have been established by Natural England, which should define the required ecologically robust state for each European site interest feature. All sites should be meeting their conservation objectives. When being fully met, each site will be adequately contributing to the overall favourable conservation status of the species or habitat interest feature across its natural range. Where conservation objectives are not being met at a site level, and the interest feature is therefore not contributing to overall favourable conservation status of the species or habitat, plans should be in place for adequate restoration.

14.2 Natural England has embarked on a project to renew all European site Conservation Objectives, in order to ensure that they are up to date, comprehensive and easier for developers and consultants to use to inform project level HRA s in a consistent way. In 2012, Natural England issued a set of generic European site Conservation Objectives, which should be applied to each interest feature of each European site. These generic objectives are the first stage in the project to renew conservation objectives, and the second stage, which is to provide more detailed and site-specific information for each site to support the generic objectives, is now underway.

14.3 The new list of generic Conservation Objectives for each European site includes an overarching objective, followed by a list of attributes that are essential for the achievement of the overarching objective. Whilst the generic objectives currently issued are standardised, they are to be applied to each interest feature of each European site, and the application and achievement of those objectives will therefore be site specific and dependant on the nature and characteristics of the site. The second stage, provision of the more supplementary information to underpin these generic objectives, will provide much more site-specific information, and this detail will play a fundamental role in informing HRAs, and importantly will give greater clarity to what might constitute an adverse effect on a site interest feature.

14.4 In the interim, Natural England advises that HRAs should use the generic objectives and apply them to the site-specific situation. This should be supported by comprehensive and up to date background information relating to the site.

14.5 For SPAs, the overarching objective is to:

14.6 'Avoid the deterioration of the habitats of qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.'

14.7 This is achieved by, subject to natural change, maintaining and 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 populations of the qualifying features.
- The distribution of the qualifying features within the site.

14.8 For SACs, the overarching objective is to:

'Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.'

14.9 This is achieved by, subject to natural change, maintaining and restoring:

- The extent and distribution of the qualifying natural habitats and habitats of qualifying species.
- The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species.
- The supporting processes on which qualifying natural habitats and habitats of qualifying species rely.
- The populations of qualifying species.
- The distribution of qualifying species within the site.

14.10 Conservation objectives inform any HRA of a plan or project, by identifying what the interest features for the site should be achieving, and what impacts may be significant for the site in terms of undermining the site's ability to meet its conservation objectives.

14.11 The detailed supplementary advice available for the European sites will be set out in the next iteration of the HRA, following discussions with Natural England to inform the next steps and to gain their advice on mitigation approaches.

15. Appendix 3 – The Nature Conservation Interest of the European Sites

15.1 The European sites considered within this HRA for the North Norfolk Local Plan follow from those previously considered within earlier HRA work and the most recent scoping report prepared by the Council. As illustrated in Maps 1 to 9 within Section 2 of this HRA, the initial check for sites within 20km of the administrative boundary of North Norfolk District was undertaken to identify potential sites at risk, and then each was considered for potential impact pathways that would highlight the need to include the site within the screening for likely significant effects. Impacts such as water abstraction, waste water discharge and increased recreation could have effects well beyond the Borough's boundary.

15.2 North Norfolk District lies in an area of considerable importance for nature conservation with a number of European sites located within and just outside its boundary, some of which are offshore. The range of sites, habitats and designations is complex with some areas having more than one designation. Table 4 below lists the European sites within or partly within 20km of the district boundary.

Table 4: European Sites in and around the North Norfolk District, entirely or partly within 20km of the administrative boundary

SAC	SPA	Ramsar
The Broads	Broadland	Broadland
North Norfolk Coast	North Norfolk Coast	North Norfolk Coast
River Wensum	Breydon water	Breydon Water
The Wash and North Norfolk Coast	The Wash	The Wash
Roydon Common and Dersingham Bog	Greater Wash	Roydon Common
Paston Great Barn	Great Yarmouth North Denes	Dersingham Bog
Overstrand Cliffs	Outer Thames Estuary	
Haisborough, Hammond and Winterton		
Inner Dowsing, Race Bank and North Ridge		
Winterton-Horsey Dunes		
Norfolk Valley Fens		

15.3 The following European sites have been screened out by this HRA due to a lack of impact pathways:

- Paston Great Barn SAC

- Haisborough, Hammond and Winterton SAC
- Inner Dowsing, Race Bank and North Ridge SAC
- Roydon Common and Dersingham Bog SAC
- Roydon Common Ramsar site
- Dersingham Bog Ramsar site
- Outer Thames Estuary SPA
- The Wash SPA/Ramsar Site

15.4 The European sites where there are potential impact pathways from implementation of the plan, and therefore considered within the screening for likely significant effects are:

- Winterton-Horsey Dunes SAC
- Norfolk Valley Fens SAC
- North Norfolk Coast SAC/SPA/Ramsar site
- Overstrand Cliffs SAC
- River Wensum SAC
- The Wash and North Norfolk Coast SAC
- Great Yarmouth North Denes SPA
- Breydon Water SPA/Ramsar site
- Broadland SPA/Ramsar site
- The Broads SAC
- Greater Wash SPA

15.5 The interest features and current issues for each of the European sites being considered within the screening for likely significant effects are listed below. The overarching Conservation Objectives set out in Appendix 2 should be applied to each of these interest features.

15.6 An additional summary of designated site interest features, supplementary advice and SIPs will be provided for the next iteration of the HRA.