



North Norfolk District Council

Habitat Regulations Assessment Screening Determination

Ryburgh Neighbourhood Plan - Submission Version

March 2020 (Final)

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Contents

1	Introduction	4
2	Legislative Background	5
3	Assessment	6
4	Screening Determination	10

Appendix 1 – Consultation Responses.

1 Introduction

- 1.1 The Regulations require Habitats Regulations Assessment (HRA) screening to be undertaken by the competent authority i.e. any public body or individual holding public office with the statutory remit and function. In the case of Planning, North Norfolk District Council is the competent authority under the EU ‘Habitats’ Directive 92/43/EEC. The *Habitats Directive* is transposed into UK legislation by the Conservation of Habitats and Species Regulations 2017 (referred to as the *Habitats Regulations*). Under Article 6(3) of the Habitats Directive the Council must consider if the project i.e. the development proposal (Neighbourhood Plan), is likely to have a significant effect on the conservation objectives of the Natura 2000 site or adversely affect the integrity of the Natura 2000 site alone or in combination with other plans or projects. This process is generally referred to as a Habitats Regulations Assessment (HRA).
- 1.2 Whether a neighbourhood plan requires a habitats regulation assessment and the level of detail needed will depend on what is proposed in the draft Neighbourhood Plan and the potential impacts on European sites designated for their nature conservation interest. Following the Screening Assessment this report represents the Screening Determination of North Norfolk District Council as the responsible body in Law on whether the Ryburgh Neighbourhood Plan will significantly affect the integrity of any European site, in terms of impacting on the site’s conservation objectives. This report therefore determines whether a Habitats Regulations Assessment (HRA) under Directive 92/43/EEC, also known as the Habitats Directive, is required for the Ryburgh Neighbourhood Plan.
- 1.3 As the “responsible body” this report sets out North Norfolk District Council's HRA determination conclusions in respect of the:
- Screening report undertaken by NNDC on behalf of the Neighbourhood Plan steering group, which can be viewed online at: www.northnorfolk.gov.uk/ryburghnp.
 - The responses to this report from the statutory consultees – contained in Appendix 1 to this report.
- 1.4 This assessment relates to the submission version of the Draft Ryburgh Neighbourhood Plan 2019 - 2036 and follows earlier consultation on the pre submission version of the emerging plan at regulation 14 stage of neighbourhood plan preparation and consultation on the HRA screening assessment with the statutory bodies.

2 Legislative Background

- 2.1 It is a requirement of European law that a plan or project is subject to an iterative assessment to determine whether it will significantly affect the ecological integrity of any European site, in terms of impacting on the site's conservation objectives. HRA is the a two-stage process to consider whether a proposed development plan or programme is likely to have significant effects on a European site designated for its nature conservation interest. Firstly, plans or programmes must be screened to determine if they are likely to have a significant effect (and are not plans connected to the management of the European site(s) in question). If it cannot be demonstrated during at the screening stage that the plan or programme will not have significant effects of the European site(s), an 'Appropriate Assessment' (AA) must then be undertaken, which is a much more detailed study of the effects of the plan or programme. The two parts together form a full HRA. Where it is deemed that adverse effects cannot be ruled out, a plan or project must not proceed, unless exception tests are met.
- 2.2 In determining whether a proposed development plan or programme is likely to have significant effects, the local authority must incorporate the 'precautionary principle' into its decision. This means that if there is uncertainty as to whether the plan or programme would cause significant effects on a European site, the full AA would be required. If an appropriate assessment is required, then this will engage the need for a strategic environmental assessment.
- 2.3 The Neighbourhood Planning (General) Regulations 2012¹, state that submitted neighbourhood plans need to be accompanied by a statement explaining how the proposed neighbourhood plan meets the "basic conditions" set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the plan is compatible with EU obligations, which includes the need to undertake a HRA. This is one of the matters that will be tested as part of the independent examination of the Plan. In doing so the competent authority, in this case the Council must issue a screening determination which can be relied upon as part of submission documents and as part of the subsequent examination.
- 2.4 Neighbourhood planning bodies are advised through national guidance to consider the environmental implications of its proposals in the production of a neighbourhood plan. Screening though can only be undertaken when sufficient information is available to enable the competent authority to determine whether the emerging Plan requires further detailed assessments in relation to the Habitats Regulations 2017. Undertaken too early a further screening exercise is likely to be necessary at subsequent stages

¹ http://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi_20120637_en.pdf

when the direction and content of the plan is known. Undertaken during the later stages in the production of the neighbourhood plan however may have implications for delay as sufficient time needs to be factored into the production of a neighbourhood plan for any procedural steps required under the legislation. Plans should be kept under review and screened again should the content and particularly the scope change.

3 Assessment

3.1 The purpose of the Ryburgh neighbourhood plan is to provide for sustainable development of Ryburgh parish that will benefit the community whilst conserving and promoting the particular landscape and ecology that characterises the Neighbourhood Area. To do this, it seeks to provide a local policy content that addresses traffic safety and the provision of footpath/cycleway access, provides for a small level of sustainable growth through infill development and ensures that the local landscape character and ecology environmental are considered and promoted through development. It does this through a set of place shaping aims.

3.2 The Plans aims as set out in the emerging plan (December 2019) are:

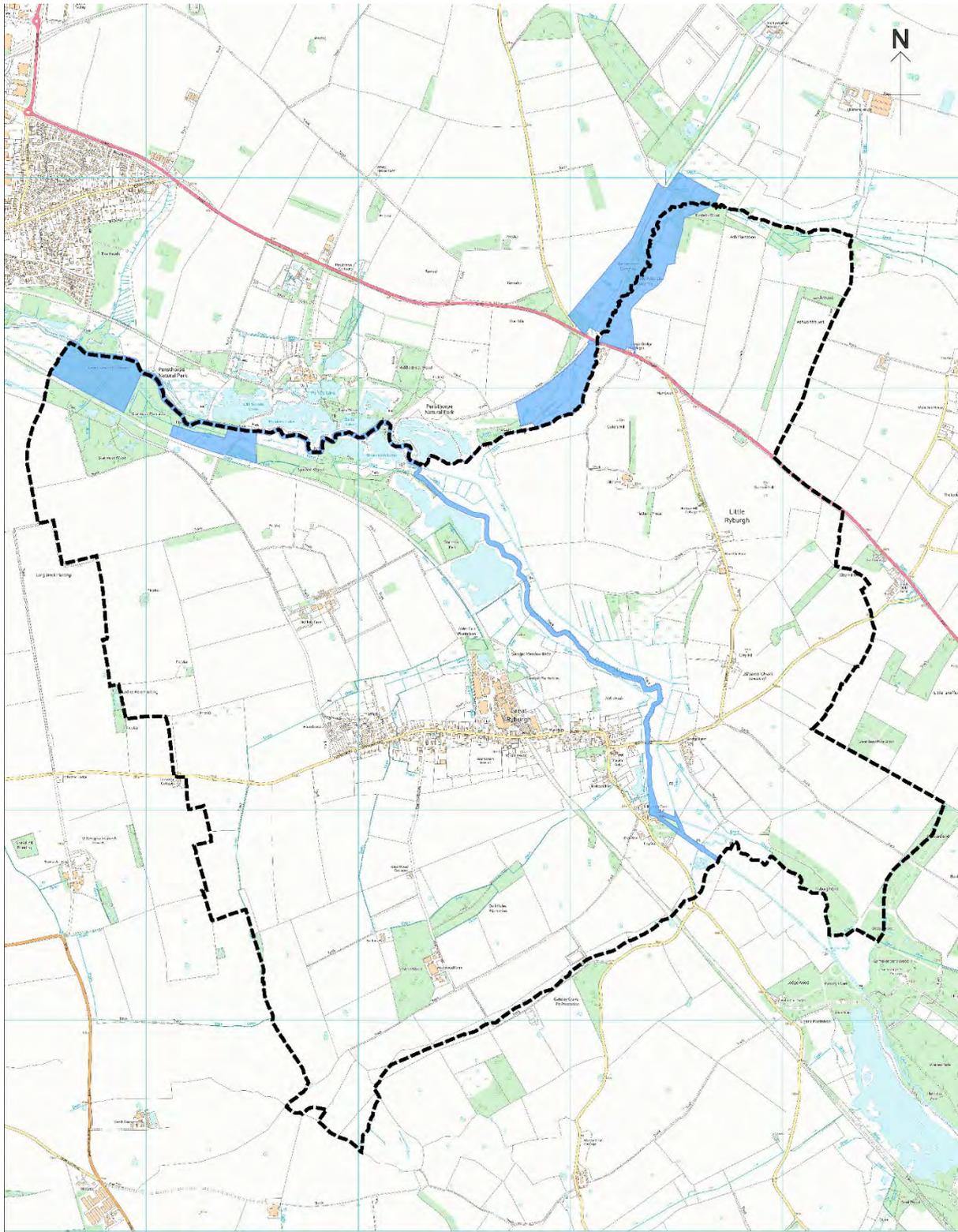
- Traffic Safety – to ensure the current position does not get worse;
- Footpaths, cycle ways and access to the countryside - To enhance provision and access to the countryside and safeguard existing land for public access.
- New Housing - the encouragement and management of sustainable housing growth through the use of infill sites in Great Ryburgh.
- Protection of the landscape – to ensure proposals are sympathetic to the distinctive character of the landscape.
- The Protection of the Environment to ensure the conservation and protection of valued habitat.

3.3 In determining whether a proposed development plan or programme is likely to have significant effects, the local authority must incorporate the ‘precautionary principle’ into its decision. This means that if there is uncertainty as to whether the plan or programme would cause significant effects on a European site, the full AA would be required.

3.4 The Ryburgh Neighbourhood Plan Area (RNA) contains the following designated European sites and nature conservation sites:

- The River Wensum Special Area of Conservation
- Component SSSI: The Wensum Special Site of Scientific Interest

3.5 The District contains a number of European sites however none other than the River Wensum SAC are within 10Km of Ryburgh Village where the growth proposed in the neighbourhood plan is to be facilitated. Map 3, on the following page, depicts European sites and SSSIs with a 10km radius:



European Sites
in relation to Ryburgh Neighbourhood Area

-  Ryburgh Neighbourhood Area
-  River Wensum Special Area of Conservation (SAC) & River Wensum Site of Special Scientific Interest (SSSI)

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CB

23/01/2020

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Figure 1 - European Sites

- 3.6 The Ryburgh neighbourhood plan is not seeking any site allocations.
- 3.7 Covering the parished area of Ryburgh, the emerging Ryburgh neighbourhood plan focusses, amongst other things, on shaping development, and protecting, maintaining and enhancing the environment and amenity value. In particular, policies 4,5,6,7,8 and 9 ensure that landscape and the protection and enhancement of the environment ensuring that development minimises its impacts on the open countryside and environmental features through effective consideration both local and national /international habitat designations.
- 3.8 Policies that seek to positively address the environmental aspects of sustainable development- specifically those that address protection and enhancement of habitats and the ecological network and light pollution are likely to have a positive effect on the wider environment. The small scale of growth sought within the settlement of Great Ryburgh is such that the effects are likely to be localised but not significant.

In Combination Effects

- 3.9 Existing Plans and proposals must be considered when assessing new plans or programmes for likely significant effects as they may create “in combination” effects.
- 3.10 The emerging North Norfolk Local Plan covers the administrative area of the District Council, with the exception of the areas that are within the designated Broad’s Area. The Broads Authority is the local planning authority for the designated Broads area. The emerging North Norfolk Local Plan consists of the Local Plan Part 1, May 2019, 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. The Local Plan Part one has been subject to an HRA to inform its future preparation.
- 3.11 The Local Plan interim HRA, May 2019, acknowledges that policies in the emerging Local Plan have been developed with the need to protect European sites understood, and as such the policies contain strong wording and supporting text that enables a conclusion of no likely significant effects for most of the policies. The appropriate assessment whilst providing actions for the next phase of plan making concludes that there are measures in progress that are capable of providing the necessary certainty required to conclude no adverse effects at the next iteration of the HRA. Such measures include the progression of the strategic mitigation strategy for recreation pressure across the Norfolk European sites, specific policy measures in relation to allocations in the Local Plan but outside the Ryburgh Neighbourhood Plan Area including precautionary check for any watercourse connections between allocations in the local Plan and European sites within 2.5km – no allocations exist in Ryburgh Neighbourhood Plan Area.

- 3.12 The assessment also identifies that the water quality of the River Wensum SAC is of key concern for the site but identifies that threats to the integrity are primarily related to agricultural practices².
- 3.13 The HRA for the adopted 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 - no allocations exist in Ryburgh Neighbourhood Plan Area in the adopted development plan, the Ryburgh neighbourhood Plan or the emerging Local Plan.
- 3.14 The Ryburgh Neighbourhood Plan proposes no site allocations and only very limited growth through a tight settlement boundary and infill policy. Small scale growth is limited to locations within the settlement boundary with no more than 5 dwellings. It is however, possible that development proposals could come forward within the 1km of the European site. Other policies seek the safeguarding of access to public paths and promote a strong consideration around the potential impacts and harm on local and European sites. The emerging Local Plan and existing Core Strategy do not identify any site allocations for development in the parish. The aquatic interest of the River Wensum is however not affected by bankside recreation and public access to the river is in any case very limited, the Plan is unlikely to see any significant clusters of growth or increase in population and overall visitor numbers.
- 3.15 The Ryburgh neighbourhood plan is a lower order plan than the adopted Core Strategy and the emerging Local Plan which focuses on strategic issues such as housing growth and distribution. Whilst the neighbourhood plan seeks a small level of infill growth it is considered to be in general conformity with the Core strategy and emerging Local Plan. Core Strategy policies SS4 and EN9 require the consideration of conservation and enhancement of SSSI's and provide a policy base for decision making around proposals that would cause a direct and or indirect adverse effect to designated sites. Policy 3 of the RNP also includes precautionary wording around proposals providing adequate information to support project level HRA and potential mitigation.

Screening Outcome

- 3.16 The screening assessment subsequently considered that the mitigation measures described above in relation to the emerging Local Plan and the precautionary wording added to policy 3 of the RNP were sufficient for the assessment to ascertain no in combination adverse effect upon the integrity of any European site in relation to the emerging neighbourhood plan. It went onto conclude after a further detailed review of

² HRA North Norfolk First Draft Plan Part 1 , 2019, para 5.25

the likely effects of the proposed plan on the qualifying features of the European site that there would be no adverse effects upon the integrity of any European site.

- 3.17 Natural England, Historic England and The Environment Agency as the statutory bodies were consulted between 30th January 2020 and 5th March 2020 on the Screening Report issued January 2020. Their responses are appended to this report

4 Screening Determination

- 4.1 The screening assessment report identifies that the draft plan as written would not have any adverse effects upon the integrity of the European Site. In light of the Screening Report and the responses from the statutory bodies it is determined that the Ryburgh Neighbourhood Plan as submitted does not require a habitats regulation assessment.

Appendix 1 Consultation Responses.



Mr [REDACTED]
North Norfolk District Council
Council Offices
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NR27 9EN

Our ref: AE/2020/124893/01-L01
Your ref: SEA/HRA Screening
Date: 14 February 2020

Dear Mr [REDACTED]

RYBURGH NEIGHBOURHOOD PLAN SEA/HRA SCREENING OPINION
GREAT RYBURGH NEIGHBOURHOOD PLAN AREA, NORFOLK

Thank you for your consultation dated 30 January 2020. We have reviewed the SEA/HRA Screening Report for the Ryburgh Neighborhood Plan, as submitted, and do not disagree with the conclusions detailed in the report.

We have considered the level of future growth which the Ryburgh Neighbourhood Plan demonstrates within the parish over the plan period. The policies do not currently highlight any specific newly allocated sites for development; other than those that already carry planning permission, as described in Evidence Document 1 – Housing Report. The policy relating to infill housing development, within the settlement boundary, alongside the North Norfolk Core Strategy (2008) & Site Allocations Plan (2011), further limit the impact of larger sites in the plan area: We therefore conclude that the recommendations and conclusions of the reports are suitable.

We trust this advice is useful.

Yours sincerely

[REDACTED]
Planning Advisor

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Historic England

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Our ref: PL00679226

5 March 2020

Dear Mr [REDACTED]

RE: Ryburgh Neighbourhood Plan SEA Screening

Thank you for inviting Historic England to comment on the above consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. Therefore we welcome this opportunity to review the Screening Report for this plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

The Screening Report indicates that the Council considers that the plan will not have any significant effects on the historic environment. We note that the plan does not propose to allocate any sites for development.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.

The views of the other two statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

We should like to stress that this opinion is based on the information provided by you with your correspondence dated 30 January 2020. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan) where we consider that, despite the SEA, these would have an adverse effect upon the environment.



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Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.



Historic England

Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

Please do contact me, either via email or the number above, if you have any queries.

Yours sincerely,

[REDACTED]
Historic Places Advisor, East of England
[REDACTED]@HistoricEngland.org.uk

cc:



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[REDACTED]

From: [REDACTED]@naturalengland.org.uk>
Sent: 26 February 2020 12:20
To: Planning Policy
Subject: RE: 2020-03-09 307458 Ryburgh Neighbourhood Plan SEA & HRA Screening Opinion Consultation

To whom it may concern

Thank you for consulting Natural England.

Based on the documents provided, it is Natural England's understanding that there are no housing allocations included within Ryburgh Neighbourhood Plan and that it is in general conformity with North Norfolk District Council's emerging Local Plan. On this basis we agree with the conclusions of the HRA and SEA.

If you have any question please do get in touch.

Many thanks

[REDACTED]

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