

North Norfolk District Council

# **Habitat Regulations Assessment Screening Report for Consultation**

Wells-next-the-Sea Neighbourhood Plan Pre-Submission Draft July 2022  
(Regulation 14)

**December 2022**

**North Norfolk District Council  
Planning Policy Team**

01263 516318

[planningpolicy@north-norfolk.gov.uk](mailto:planningpolicy@north-norfolk.gov.uk)

Planning Policy

North Norfolk District Council

Holt Road, Cromer, NR27 9EN

[www.north-norfolk.gov.uk/wellsnp](http://www.north-norfolk.gov.uk/wellsnp)

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# 1 Introduction

- 1.1 This report represents a screening of the need for a Habitats Regulations Assessment (HRA) under Directive 92/43/EEC, also known as the Habitats Directive<sup>1</sup> for the emerging Wells – next -the- Sea Neighbourhood Plan, (Wells neighbourhood plan). The screening is carried out on the Pre-Submission Draft, version dated July 2022. Article 6 (3) of the EU Habitats Directive<sup>2</sup> and Regulation 63 of the Conservation of Habitats and Species Regulations 2017<sup>3</sup> (as amended) requires that an Appropriate Assessment is carried out on any plan or project likely to have a significant effect on a European site.
- 1.2 European designated sites, also referred to as Natura 2000 sites are defined in regulation 8 of the Conservation of Habitats and Species Regulation 2017, and consist of Special Areas of Conservation, SAC, Sites of Community Importance and Special Protection Areas, SPA. These are also reflected in the National Planning Policy Framework, NPPF, which 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<sup>4</sup>.
- 1.3 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 a 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).
- 1.4 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 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.
- 1.5 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

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<sup>1</sup> Directive 92/43/EEC ‘on the conservation of natural habitats and of wild fauna and flora’: <http://eurlex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>

<sup>2</sup> [http://ec.europa.eu/environment/nature/natura2000/management/guidance\\_en.htm](http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm)

<sup>3</sup> <http://www.legislation.gov.uk/ukxi/2017/1012/contents/made>

<sup>4</sup> NPPF, 2019 Para 176

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.

- 1.6 The Neighbourhood Planning (General) Regulations 2012<sup>5</sup>, 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 i.e. NNDC will issue a Screening Determination as part of the HRA regulations setting out the Councils’ HRA determination conclusions. Such a document follows the initial screening and or more detailed Appropriate Assessment and can be relied upon by the submitting authority i.e. the Town/Parish Council, as part of submission documents and for the subsequent examination.
- 1.7 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 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 of the emerging Neighbourhood Plan change. A screening determination issued by the Council is required at submission.
- 1.8 **The purpose** of this report is to provide sufficient information in order to consult the required statutory bodies, Environment Agency, Historic England and Natural England and any other relevant local interest groups such as water companies and local wildlife trusts, prior to the Local Planning Authority issuing the required screening determination around the need to undertake further work and in particular an Appropriate Assessment in order to inform the finalisation of the submission version of the emerging Wells neighbourhood plan.
- 1.9 The screening is carried out on the emerging draft version of the neighbourhood Plan published July 2022 and consulted on by the Town Council as part of the regulation 14 requirements and is intended to inform the intended submitted draft plan prior to examination. If the emerging Plan is modified in the intervening period further assessment and re screening may be required and the Town Council is advised to seek further advice from the Council once the final content is fully known.
- 1.10 The HRA process is not defined in legislation but is used to address Articles 6(3) and 6(4) of the Habitats Directive, as transposed by Regulation 63 of the Habitats Regulations. In completing

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<sup>5</sup> [http://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi\\_20120637\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi_20120637_en.pdf)

this HRA reference has been made to the information contained in the EC guidance document Managing Natura 2000 sites: The provision of Article 6 of the 'Habitats' Directive 92/43/EEC (European Communities, 2000), the Habitats Regulations Assessment Handbook by DTA Publications as well as relevant case law, the process is iterative

1.11 Article 6(3) of the EU Habitats Directive states that:

*Any plan or project not directly connected with, or necessary to, the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.*

1.12 Details of the designated sites need to be assessed to see if there is the potential for the implementation of the neighbourhood plan to have an impact on the sites.

## 2 Wells - Next- the- Sea Neighbourhood Plan (July 2022)

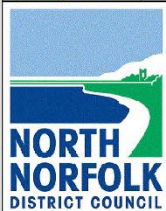
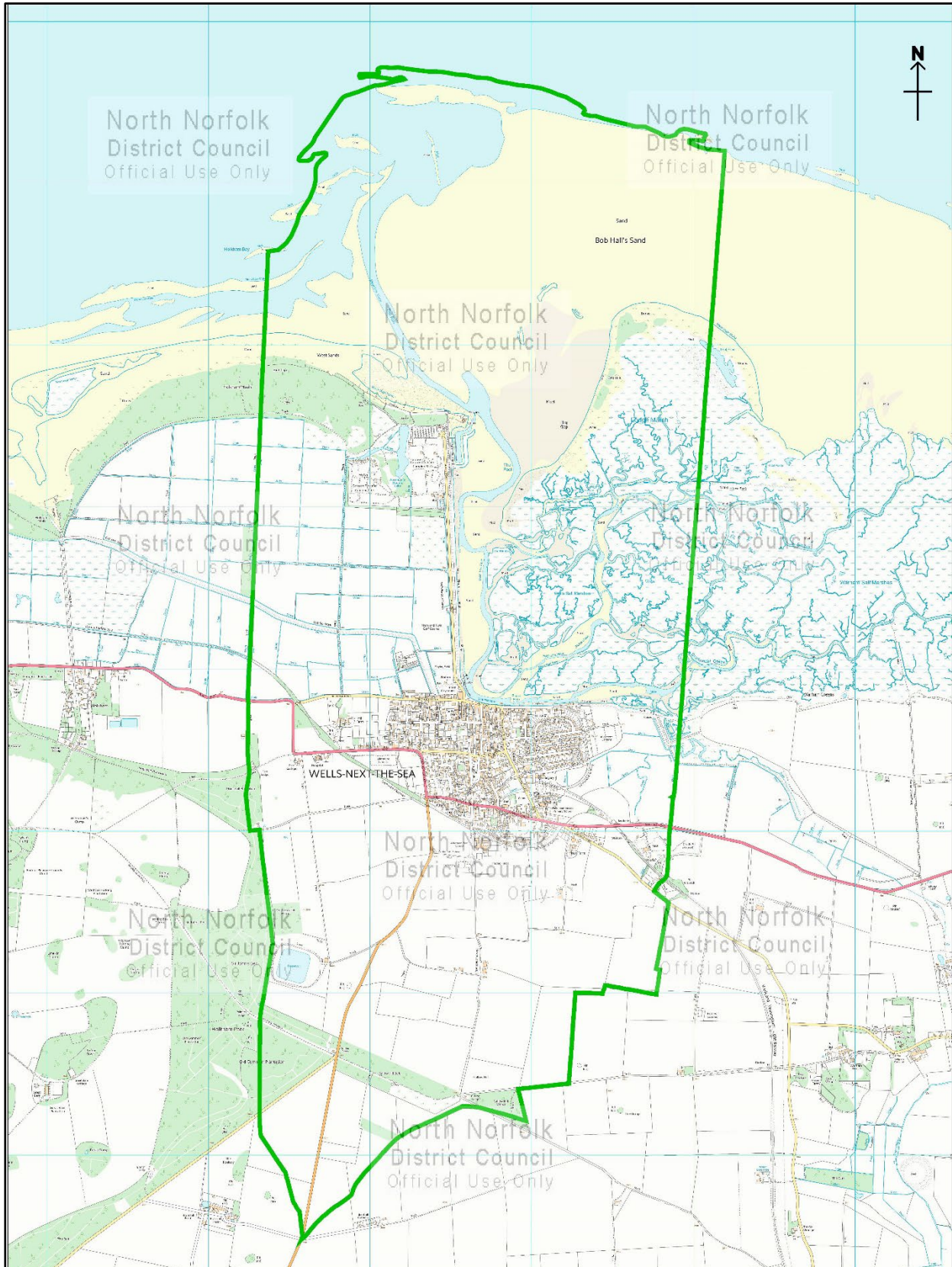
2.1 The Wells neighbourhood plan has been written as a “community-led document for guiding the future development of the parish”. Once made the neighbourhood plan will form part of the statutory Development Plan for the wider parish and will be used along with the Local Plan which incorporates the Districts Strategic policies in the determination of relevant planning applications in the neighbourhood Area. The July 2022 version of the Neighbourhood Plan seeks to bring forward 18 policies over six themes covering: Housing & Design, Employment & Retail, Infrastructure & Access, the Environment, Sustainability & climate change, and Site-specific Policies.

2.2 The Plans objectives as set out in the emerging plan (July 2022) are:

- To provide housing for local people and seek to meet the existing and future needs of those who live and work in the town, for the elderly and those wishing to move to the area, to retain a balance between young and old, working and retired;
- To encourage the creation of a range of employment opportunities in the town to maintain a strong, responsive economy, consistent with the character of the town;
- To ensure that the provision of local services (domestic, health, education, transport, and leisure) meets the needs of all sections of the community and visitors;
- To protect and enhance the character of the area as a living and working town and visitor destination, set in an Area of Outstanding Natural Beauty and wildlife sensitivity;
- To ensure that all planning decisions address the effects of climate change, including rising sea levels and to require the use of environmentally sustainable materials in new developments.

2.3 The designated Wells Neighbourhood Plan Area is shown in **Figure 1** on the following page.

**Figure 1: Wells – Next – the - Sea - Neighbourhood Plan Area**



**Wells-Next-The-Sea  
Designated Neighbourhood Area**

**Map Key**

 Boundary of Designated Neighbourhood Area

1:22,500

CB

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North Norfolk District Council  
Council Offices, Holt Road,  
Cromer, Norfolk, NR27 9EN  
Tel: 01263 513811  
Fax: 01263 515042  
[www.northnorfolk.org](http://www.northnorfolk.org)

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### 3 European sites

3.1 In assessing the implications of any plan or project, in this case the neighbourhood 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 ongoing matters that are influencing each of the sites. This section seeks to answer the following questions:

- a. What are the Natura 2000 site/s affected by the development and why has it been designated?
- b. Are there any nationally designated sites (SSSI) or Ramsar sites that may be affected by the development?
- c. What are the qualifying features of the Natura 2000 Site/s and/or the special interest features of any associated SSSI/Ramsar;
- d. What are the Conservation Objectives for the Natura 2000 Site/s

3.2 The Wells Neighbourhood Plan Area (NPA) contains the following designated European sites and nature conservation sites:

- The North Norfolk Coast Special Area of Conservation;
- The Wash and North Norfolk Coast Special Area of Conservation;
- The North Norfolk Coast Special Protection Area;
- The North Norfolk Coast Marine, Special Protection Area;
- The Greater Wash Marine Special protection Area.

3.3 Component Sites of Scientific Special Interest: North Norfolk Coast SSSI

3.4 Ramsar Site: North Norfolk Coast Ramsar Site.

3.5 The District contains a number of European sites within 10Km of Wells where the growth proposed in the neighbourhood plan is to be facilitated.

**Table 1** European sites within 10 km

Designation	Name
SAC	North Norfolk Coast
SPA	North Norfolk Coast
SAC (Marine Components)	The Wash & North Norfolk Coast SAC
SPA (Marine Components)	Greater Wash SPA
Ramsar Sites	North Norfolk Coast
SSSI	Cockthorpe Common, Stiffkey
	Morston Cliff
	North Norfolk Coast
	Stiffkey Valley

	Warham Camp
	Wells Chalk Pit
	Wiveton Downs

**Table 2** European sites including Ramsar and component SSSI sites that may be effected by the emerging neighbourhood Plan

<b>Name &amp; Uk Ref No</b>	<b>Description</b>	<b>Fef</b>	<b>Feature Description</b>
<b>North Norfolk Coast SAC - UK0019838</b>	Designated primarily for its coastal habitats including: coastal lagoons, perennial vegetation of stony banks (at Blakeney Point), Mediterranean and thermo-Atlantic halophilous scrub, embryonic shifting dunes, white dunes, fixed grey dunes and humid dune slacks. Species of importance which are present as a qualifying feature on the site, but not a primary reason for selection, include otter and pearlwort.	1150 1220 1420  2110 2120  2130  2190 1355 1395	Coastal lagoons Perennial vegetation of stony banks Mediterranean and thermo-Atlantic halophilous scrubs ( <i>Sarcocornetea fruticosi</i> ) Embryonic shifting dunes Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes") Fixed coastal dunes with herbaceous vegetation ("grey dunes") Humid dune slacks Otter, <i>Lutra lutra</i> Petalwort, <i>Petalophyllum ralfsii</i>
<b>The Wash and North Norfolk Coast SAC - UK0017075</b>	An important marine area, covering the intertidal and subtidal areas only, which are also included in the component SPAs/SACs. It forms the largest marine embayment in the UK, consisting of extensive areas of sand and mud flats fringed by saltmarsh, supporting rich invertebrate communities and internationally important overwintering birds. It provides the only classic British example of a barrier beach system.	1110 1140 1150 1160 1170 1310 1330 1420 1365 1355	Sandbanks which are slightly covered by sea water all the time Mudflats and sandflats not covered by seawater at low tide Coastal lagoons Large shallow inlets and bays Reefs Salicornia and other annuals colonizing mud and sand Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) Mediterranean and thermo-Atlantic halophilous scrubs ( <i>Sarcocornetea fruticosi</i> ) Harbour seal, <i>Phoca vitulina</i> Otter, <i>Lutra lutra</i>
<b>The North Norfolk Coast SPA - UK9009031</b>	Designated for its large numbers of wintering bird species including wigeon, pink-footed geese, brent geese, red knot and avocet; and for its breeding birds including ringed plover, little tern, common tern,	A132 A021 A193 A046a  A143 A195 A081 A084	Avocet, <i>Recurvirostra avosetta</i> Bittern, <i>Botaurus stellaris</i> Common tern, <i>Sterna hirundo</i> Dark-bellied brent goose <i>Branta bernicla bernicla</i> Knot, <i>Calidris canutus</i> Little tern, <i>Sternula albifrons</i> Marsh harrier, <i>Circus aeruginosus</i> Montagu's harrier, <i>Circus pygargus</i>

	sandwich tern, bittern, avocet and marsh harrier.	A040 A191 A050	Pink-footed goose <i>Anser brachyrhynchus</i> Sandwich tern, <i>Sterna sandvicensis</i> Wigeon, <i>Anas penelope</i>
	<b>Criteria</b>	<b>Feature</b>	
<b>North Norfolk Coast Ramsar Site</b>	Criteria 1  Criteria 2  Criteria 5  <i>Criteria 6</i>	<p>The site is one of the largest expanses of undeveloped coastal habitat of its type in Europe. It is a particularly good example of a marshland coast with intertidal sand and mud, saltmarshes, shingle banks and sand dunes. There are a series of brackish-water lagoons and extensive areas of freshwater grazing marsh and reed beds.</p> <p>Supports at least three British Red Data Book and nine nationally scarce vascular plants, one British Red Data Book lichen and 38 British Red Data Book invertebrates.</p> <p>Assemblages of international importance with peak counts in winter: 98,462 counts of waterfowl (5 year peak mean (1998/99 to 2002/03))</p> <p><i>Populations of breeding, passage and winter bird species of international importance, including:</i>  <i>Sandwich tern, Sterna sandvicensis</i>  <i>Common tern, Sterna hirundo</i>  <i>Little tern, Sternula albifrons</i>  <i>Knot, Calidris canutus</i>  <i>Pink-footed goose Anser brachyrhynchus</i>  <i>Dark-bellied brent goose Branta bernicla bernicla</i>  <i>Wigeon, Anas penelope</i>  <i>Northern pintail, Anas acuta</i></p>	
	<b>SSS1 Units</b>	<b>Special Interest Feature</b>	<b>Condition Status</b>
<b>North Norfolk Coast SSSI</b>	Multiple Units (70 live units in total)	Various	Ranging from Unfavourable – recovering to Favourable. 98% in favourable condition

Source: European sites in the East of England <http://publications.naturalengland.org.uk/category/6581547796791296>

### Conservation Objectives

- 3.6 The conservation objectives are those referred to in the Conservation of Habitats and Species Regulations 2017. In accordance with advice from Natural England they provide a framework which should inform any Habitats Regulation Assessment that the competent authority may be required to make under the legislation. A sites conservation objectives apply to the site and the individual species and/or assemblage of species for which the site has been classified (the “Qualifying features”). The objectives are to ensure that subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the Favorable Conservation Status of its qualifying features by maintaining or restoring.

3.7 Conservation Objectives for the **North Norfolk Coast SPA**<sup>6</sup> (Natural England, published 27 November 2018(version3)).

- The objectives are to ensure that, subject to natural change, the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:
  - the extent and distribution of the habitats of the qualifying features
  - the structure and function of the habitats of the qualifying features
  - the supporting processes on which the habitats of the qualifying features rely
  - the populations of the qualifying features
  - the distribution of the qualifying features within the site

This should be read in conjunction with the accompanying supplementary advice section, which provides more detailed information to help achieve the objectives set out above, including which attributes should be maintained and which restored.

3.8 Conservation Objectives for the **Wash and North Norfolk Coast SAC**<sup>7</sup> and the **North Norfolk Coast SAC**<sup>8</sup> (Natural England, published), 27 November 2018(version3)

- Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;
  - The extent and distribution of qualifying natural habitats and habitats of qualifying species
  - The structure and function (including typical species) of qualifying natural habitats
  - The structure and function of the habitats of qualifying species
  - The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
  - The populations of qualifying species, and,
  - The distribution of qualifying species within the site.

3.9 This document should be read in conjunction with the accompanying Supplementary Advice document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

### **Supplementary Advice**

3.10 Natural England has produced Supplementary Advice for the **North Norfolk Coast SPA**, which forms part of their Conservation Advice Package, and includes the use of Supplementary Advice Tables (SATs). The SATs present attributes which are ecological characteristics of the designated species and habitats within a site. The listed attributes are considered to be those which best describe the site's ecological integrity and which if safeguarded will enable achievement of the Conservation Objectives.

3.11 For breeding common tern, little tern and sandwich tern one of the features or attributes identified for action is 'supporting habitat: disturbance caused by human activity'. The target for this attribute is 'the frequency, duration and/or intensity of disturbance affecting nesting and/or feeding birds should not reach levels that substantially affects the feature'. The supplementary advice recognises that the nature, scale, timing and duration of some human activities can result in the disturbance of birds at a level that may substantially affect their behaviour, and consequently affect the long-term viability of the population. Disturbance

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<sup>6</sup> <http://publications.naturalengland.org.uk/publication/4732349359063040?category=6581547796791296>

<sup>7</sup> <http://publications.naturalengland.org.uk/publication/5950176598425600?category=6581547796791296>

<sup>8</sup> <http://publications.naturalengland.org.uk/publication/6270240262455296?category=6581547796791296>

associated with human activity may take a variety of forms including noise, light, sound, vibration, trampling, and presence of people, animals and structures.

- 3.12 In addition to the Supplementary Advice provided by Natural England for the SPA, as the North Norfolk Coast is part of the European Marine Site (EMS), the Conservation Objectives should be used in conjunction with the Regulation 35 Conservation Advice Package (also provided by Natural England). The Regulation 35 package provides advice and guidance on the operations that are likely to damage the interest features of the site.
- 3.13 The Regulation 35 Advice indicates that the Conservation Objectives for the EMS at a site level focus on maintaining the condition of the habitats used by the qualifying species. Habitat condition is to be delivered through appropriate site management including the avoidance of damaging disturbance, such as the effects of trampling or species collection.
- 3.14 In the Favourable Conservation Status table for the North Norfolk Coast SPA, disturbance is listed as an attribute for Annex 1 breeding birds. The attribute is 'predation and disturbance in nesting areas', with the target to achieve no significant reduction in breeding success attributable to human disturbance or predation. Furthermore, 'disturbance in feeding and roosting areas' is also listed as an attribute for the *internationally important assemblage of non-breeding waterfowl including regularly occurring migratory species*, a Qualifying Feature of the SPA. The target here is for no significant reduction in numbers of or displacement of birds attributable to human disturbance from an established baseline, subject to natural change.
- 3.15 Furthermore, a site improvement plan (SIP), published 19<sup>th</sup> December 2014, has been produced for the Wash and North Norfolk Coast Natura 2000 sites incorporating the SAC and SPA designations. It raises fifteen prioritised issues to be addressed, of which the issue of 'public recreation and disturbance' is of relevance. To address the *public recreation and disturbance* issue, five actions have been produced. The mechanisms to implement these actions include investigation, research and monitoring; education and awareness raising; and an access strategy.
- 3.16 **Natural England has also produced Marine Conservation Advice Packages for The North Norfolk Coast Marine, Special Protection Area and The Greater Wash Marine Special Protection Area** which includes supplementary advice for the marine features. Natural England is in the process of developing Conservation Advice for the terrestrial features, which may need to be taken into account in the future with any updates to this document.
- 3.17 The Supplementary Advice for these marine sites includes the use of Supplementary Advice Tables (SATs). The SATs present attributes which are ecological characteristics of the designated species and habitats within a site. The listed attributes are considered to be those which best describe the site's ecological integrity and which if safeguarded will enable achievement of the Conservation Objectives. Each attribute has a target which is either quantified or qualitative depending on the available evidence. The target identifies as far as possible the desired state to be achieved for the attribute.
- **The Wash and North Norfolk Coast SAC** was last updated 13<sup>th</sup> March 2020 by Natural England;
  - **North Norfolk Coast SPA** was last updated on 13<sup>th</sup> September 2019 by Natural England;
  - **North Norfolk Coast SAC** was last updated on 15<sup>th</sup> September 2017 by Natural England.
- 3.18 Further Background information and Geology of the Marine Sites is included as an appendix this this report.

## 4 Context / In Combination Effects

- 4.1 Existing Plans and proposals must be considered when assessing new plans or programmes for likely significant effects as they may create “in- combination” effects.

The effects of the plan in-combination with other plans or projects are the cumulative effects which will or might arise from the addition of the effects of other relevant plans or projects alongside the plan under consideration. If during the stage 1 screening it is found the subject plan would have no likely effect alone, but might have such an effect in-combination then the appropriate assessment at stage 2 will need to proceed to consider cumulative effects. Where a plan is screened as having a likely significant effect alone, then the subsequent appropriate assessment should initially concentrate on its effects alone.

- 4.2 The emerging Wells Neighbourhood Plan will subject to examination and referendum success sit alongside the Local Plan and form part of the wider Development Plan in as far as material considerations are concerned in the Wells Neighbourhood Plan Area and the determination of any planning applications. 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 current Local Plan is made up of the Core Strategy 2008 and the Site Allocations DPD 2011. These are shortly to be replaced with the emerging updated Local Plan which has undergone pre submission consultation at Regulation 19 stage early 2022 and is scheduled for submission and examination early spring 2023. The emerging North Norfolk Local Plan sets the future strategic policy in relation to key topics such as the environment, retail, housing, job creation and tourism, as well as identifying site allocations to deliver the required growth and setting the strategic policies to guide sustainable growth over the Plan period 2016- 2036. The Local Plan has been subject to HRA screening, an Interim HRA and a final HRA.

- 4.3 ALL Norfolk authorities Local Plans have been subject to HRA and, (with the exception of the Broads Authority) **conclude that the in-combination growth that is planned across the county has the potential to have significant adverse impacts due to recreational pressure on the designated wildlife sites – referred to as a likely significant effect (LSE), in the HRAs.** In some cases the HRA’s also conclude that there are also LSE from individual development alone, and as such specific mitigation may be required. Each LPAs Local Plan (recently adopted or emerging<sup>9</sup>) through policies contained in them, and informed by the Appropriate Assessments undertaken as part of the HRAs have specific links to the implementation of the Norfolk Wide Green Infrastructure Recreational Impact Avoidance Strategy, GIRAMs, as the agreed process of mitigation.

- 4.4 Local planning authorities are the designated competent bodies and as such are responsible for ensuring that policies and proposals contained in their Development Plans (which include neighbourhood plans) and submitted as developer proposals **do not** have an adverse effect on the integrity of European sites, Es.

- 4.5 The Local Plan HRA, January 2022, 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

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<sup>9</sup> With the exception of the Broads Authority

effects for most of the strategic policies. Screening identified potential risks from LSE in relation to the proposed site allocations in Wells, however the appropriate assessment concluded that there are measures in progress that are capable of providing the necessary certainty required to conclude no adverse effects. Such measures include the progression of the strategic mitigation strategy for recreation pressure across the Norfolk European sites to address in-combination recreation effects. As such the final HRA concluded that “assuming mitigation is secured through the GIRAMS, adverse effects on integrity can be ruled out, alone and in combination” with regards recreational pressures. The GIRAMS was simultaneously introduced by the Norfolk Authorities<sup>10</sup> on 31<sup>st</sup> March 2022 and the emerging Local Plan includes specific policies for its continuance.

- 4.6 The HRA for the adopted Site Specific DPD was undertaken in 2011 and concluded that the planning growth of between 100 – 150 dwellings and a carpark had the potential for adverse effects from disturbance on the integrity of any sites as a result of the proposed development. The study advised that *“the exact amount of disturbance is dependent on the exact location of interest features, and whilst development could lead to increased visitation, access to these features is not easy. Cat predation is considered unlikely due to distance from proposed development from SPA (maximum predation range considered to be 1km, and typically 500m), and also the location of the proposed development relative to existing dwellings. The car park development may be considered to facilitate visitation (and subsequent disturbance) although this could be managed”*. Impacts on water quality and water resource from the proposed development at the time were also concluded to have no adverse effect on the integrity of any site as a result of the Plan at the time. The Appropriate Assessment concluded that the growth can proceed, accompanied by identified preventative measures. The sites have subsequently been delivered.
- 4.7 The strategic policies of the Core Strategy (2007) were also subject to HRA along with each separate element in other policies and it was concluded that the development levels and policies were not likely to pose a likely significant effect either in isolation or cumulatively.

### **Recreational Impacts**

- 4.8 Different types of European sites are subject to different types of recreational pressures and have different vulnerabilities. Studies across a range of species have shown that the effects from recreation can be complex. Recreational pressure is likely to be generated by an increase in residents associated with the new housing and tourism but less so for employment development. Most types of European sites can be affected by trampling, which in turn causes soil compaction and erosion and the reduction on vegetation cover. Dog walkers can contribute to pressures on sites through nutrient enrichment via fouling. Nutrient poor habitats such as chalk grassland, heathland are particularly sensitive to the fertilising effects of dog faeces through inputs of phosphates and potassium. Most impacts occur close to paths. Disturbance of birds can adversely affect the condition and survival as the effects result in the birds spending unnecessary energy and detract from the bird’s ability to feed. In addition, displacement can cause issues around increased pressure of other sites and in the case of ground nesting birds may increase the risk of leaving a nest along with eggs exposed to predators. In relation to public

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<sup>10</sup> LPAs of: North Norfolk, Kings Lynn & West Norfolk, Great Yarmouth, Breckland, The Broads Authority and the Greater Norwich Authorities.

access conflict can arise between people and habitats in terms of compromising effective site management. Dogs rather than people are often the cause of worrying grazing animals.

- 4.9 In summary recreational use of a European site has the potential to:
- Cause damage to soils and vegetation through trampling and erosion;
  - Cause disturbance to sensitive species, particularly ground-nesting birds and wintering wildfowl.
  - Cause eutrophication as a result of dog fouling;
  - Cause littering, giving rise to potential animal mortality, nutrient enrichment and small-scale pollution;
  - Exacerbate existing management difficulties, for example by grazing being restricted
- 4.10 With in-combination LSE being identified through all residential and tourism related growth the Norfolk Authorities with guidance from Natural England have implemented a Norfolk-wide strategic solution which is informed by survey data and the emerging Plans growth levels. The Norfolk wide Green infrastructure & Recreational Impact Avoidance and Mitigation Strategy, GIRAMS identifies a programme of County wide mitigation measures aimed at delivering the mitigation necessary to avoid and mitigate the predicted adverse effects on the integrity of the Habitats Sites from the in-combination residential and tourist growth through a set programme funded by a per dwelling tariff calculated from the combined growth from all authorities, a specified mitigation package and the requirement for the provision of well-designed open space/green infrastructure on-site for appropriate developments of 50 units and above. It is a package of measures which will have to be applied collectively and in full in order to adequately mitigate for the effects of growth in the county.
- 4.11 The evidence base suggests that the entire county falls into **one Zone of Influence** for tariff collection in order to address the in-combination effects identified. As such any proposed growth in the Neighbourhood Plan will fall into the zone of influence for in-combination effects specifically.
- 4.12 Recreation issues are subject to strategic mitigation through the GIRAMS and policy wording in the appropriate Plan and, in line with **People over Wind, likely significant effects in-combination from recreation issues will be triggered for all residential sites and tourism development in the relevant zones of influence in the emerging Local Plan / Neighbourhood Plan.**
- 4.13 Following the People over Wind Judgement<sup>11</sup> when making screening decisions for the purposes of deciding whether an appropriate assessment is required, competent authorities **cannot take into account any mitigation measures.** The implications are considered in more detail in the initial screening section of this report.
- 4.14 Specific recreation concerns were identified in the emerging local Plan HRAs for the emerging site allocations in Wells given their very close proximity to the European sites (North Norfolk Coast SPA/SAC/Ramsar); and as such screening concluded that growth would also likely to trigger likely significant effects alone. The final HRA, however after further review through the Appropriate Assessment, ruled out adverse effects for the allocations in Wells and the Local Plan overall quantum of growth due to the GIRAMS being put in Place.

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<sup>11</sup> People Over Wind: European Court Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta 12 April 2018



## **Water Quality / Increased pressure on water resources**

- 4.15 The East of England has been identified by the Environmental Agency as a region of considerable pressure of water resources and has been identified as an area of serious water stress, for the purposes of Regulation 4 of the Water Industry (Prescribed Condition) Regulation 1999 (as amended).
- 4.16 Pressure on water resources resulting in reduction of water levels or flow in streams, rivers and waterbodies would be a likely consequence of increased water demand requiring greater water abstraction from ground water or surface water. Surface water abstraction could have a direct impact upon water levels and stream flow, ground water abstraction would potentially lead to reduced flows in any watercourses which derive a significant proportion of their water from spring flow. Wetland European sites may be impacted by becoming too dry to support the special interest feature. Water supply to North Norfolk is from the North Norfolk Coast Cromer Ridge chalk aquifer, outside the neighbourhood plan area.
- 4.17 Anglian Water in its 2019 Water Resources Management Plan have identified the relevant Resource Zones to North Norfolk and outlines how Anglian Water will maintain a sustainable balance between water supplies and demand over the next 25yrs. The assessment and plan takes into consideration planned and predicted growth as well as climate change. All resource zones are forecast to be in deficit to 2045 prior to measures in the Plan being implemented. Anglian Water, through the Plan are committed to manage water resources by managing demand, from existing and proposed customers, i.e. supplying less water per customer and by transferring water from other areas, with no increase in abstraction from existing bore holes and no new abstractions. The Norfolk Planning Authorises through the Strategic Framework, in conjunction with Natural England, Environment Agency and Anglian Water, recognises that Plans should contribute to long-term water resilience and are committed to introducing the optional higher water efficiency standards across all authorities in the County in line with Government's Building Regulations requirement of 110 litres water use per person per day. The Interim and final HRA that informed the emerging Local Plan identifies such a policy as an environmentally positive policy.

## **Urban Effects**

- 4.18 Urban effects relate to issues where development is close to the European site boundary and is an umbrella term relating to impacts such as light, noise, cat predation, fly tipping, increased fire risk, spread of invasive species (e.g. from gardens and garden waste) and vandalism).
- 4.19 HRA Screening of the emerging Local Plan identified likely significant effects from, urban effects for the Norfolk Valley Fens SAC and the following policies alone: DS1- site allocations, HOU1- Delivering sufficient homes and SS1- Spatial Strategy. The Appropriate Assessment, AA however narrows the effects down to specific sites in Holt, outside the impact of this Neighbourhood Plan and goes on to conclude through the AA that the relevant allocation policy requirements and the wording of the other policies are sufficient to conclude that adverse effects on integrity can be ruled out alone due to the very localised area involved and the protective policy ENV4. Such a policy ensures that the need to rule out adverse effects on Integrity is considered before permission is granted.

## 5 Screening Assessment: Test of Likely Significant Effect

5.1 The screening for likely significant effects of a plan involves checking all aspects of the plan and identifying any areas of potential concern, which are then examined in more detail in the appropriate assessment (stage 2) of HRA process. The check for likely significant effects at this screening stage provides a provisional screening of the plan. It is undertaken to enable the plan maker – in this case the Town Council to do two things; narrow down the elements of the plan that may pose a risk to European sites to highlight those options that are likely to be harmful and, where an option poses a risk but is a desired element of the plan, the screening exercise identifies where further assessment is necessary in order to determine the nature and magnitude of potential impacts on European sites and identify what could be done to eliminate those risks. Where further assessment is identified as necessary, this should be undertaken by a competent, suitably qualified and professional body. Further assessment and evidence gathering after early screening may include, for example, the commissioning of additional survey work, modelling, researching scientific literature or setting out justifications in accordance with expert opinion.

### What constitutes a likely significant effect?

5.2 At the screening stage of HRA, there is the opportunity to identify changes to the plan that could be made to avoid risks to European sites, and this is particularly relevant at this stage in the plan making as issues can be identified up front and resolved with later iterations of the plan.

5.3 Where the screening identifies risks that cannot be avoided with simple clarifications or corrections, a more detailed assessment has to be undertaken to gather more information about the likely significant effects and give the necessary scrutiny to potential mitigation measures. This is the appropriate assessment stage of HRA.

5.4 A likely significant effect could be concluded on the basis of clear evidence of risk to European site interest, or there could be a scientific and plausible justification for concluding that a risk is present, even in the absence of direct evidence. **The latter is a precautionary approach**, which is one of the foundations of the high-level of protection pursued by EU policy on the environment, in accordance with the EU Treaty<sup>12</sup> **The precautionary principle should be applied at all stages in the HRA process and follows the principles established in case law** relating to the use of such a principle in applying the European Directives and domestic Habitats Regulations. In particular, the European Court in the ‘Waddenzee’ case refers to “*no reasonable scientific doubt*” and in the ‘Sweetman’ case the Advocate General identified that a positive conclusion on screening for likely significant effects relates to where there “*is a possibility of there being a significant effect*”.

5.5 **The screening in this report looks at policies and options prior to any avoidance, reduction/mitigation measures in line with People Over Wind.** Mitigation potential can only be considered at Appropriate Assessment stage. People Over Wind clarified the need to carefully explain actions taken at each HRA stage, particularly at the screening for likely significant effects stage. The Judgment highlights the need for clear distinction between the stages of HRA, and good practice in recognising the function of each. The screening for likely significant effects stage should function as a screening or checking stage (regardless of avoidance, reduction/mitigation measures), to determine whether further assessment is required. Assessing the nature and extent of potential impacts on European site interest

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<sup>12</sup> Article 191 of the Treaty on the Functioning of the EU. Previously Article 174 of the Treaty of the EC.




features, and the robustness of mitigation options, should be done at the appropriate assessment stage.

### **Wells Neighbourhood Plan context**

- 5.6 The WNP July 2022 version comprises of 18 policies grouped into six themes covering: Housing & Design, Employment & Retail, Infrastructure & Access, the Environment, Sustainability & climate change, and site-specific Policies.

### **Assessment Matrix**

- 5.16 The following key is used to assess the likely effects of the proposed policy on a sites qualifying features in table 1.

-  No likely significant effect (NLSE) on the site's qualifying features
-  Likely significant effect (LSE) on the site's qualifying features (with or without mitigation)
-  Uncertain likely significant effect

**Table 2: Assessment Matrix**

Neighbourhood Plan policy	Policy feature	Potential impacts/effects of the development on the European site and why?	
		Likely Effect	Recommendations and opportunities
Policy 1 Community Led Housing	Seeks to control affordable housing growth in relation to distribution/ location, occupancy, design and need.	<p>Potential LSE urban effects and recreational effects (in-combination/alone). LSA triggered for North Norfolk Coast SAC, North Norfolk Coast SPA. North Norfolk Coast Ramsar, The Wash &amp; North Norfolk Coast SAC, The wash SPA , The wash Ramsar.</p> <p>The approach is primarily concerned with the location and then occupancy of affordable dwellings. The permitted location is broad and could include development that is close to and or adjacent the European sites, which could result in the periphery of the European sites becoming “urbanised”. The approach is open ended, does not quantify the potential levels of growth which are taken as over and above those already set out in the Local Plan or indicate / set the broad scale of existing need. The levels of disturbance is dependent on location of growth in relation to interest features and the overall increases and frequency increases’ in visitors.</p>	<p>Development proposals bring risk to European sites from recreation and the coastal location in particular will be a draw. The approach does not seek to quantify a need or set/deliver a particular housing requirement and is potentially infinite. There is an opportunity to set a housing requirement to quantify the expected levels of growth over and above those set out in the emerging Local Plan and which can be used to gauge the potential levels of impacts on Es. This could be done using the available evidence and in agreement with NNDC on conformity. As written the policy allows for an expansive level of growth</p>

			which cannot be quantified at this stage.
Policy 2 The scale and location of new housing (Allocation WELLS1)	Seeks to control the scale and location of new housing market and affordable over and above that set out in the emerging Local Plan. Allocates a specific site for community led housing.	Potential LSE Recreation (LSE triggered in combination / alone). The approach is primarily concerned with the allocation of a specific site for residential development.	Development proposals bring risk to European sites from recreation and the coastal location in particular will be a draw. Recreational impacts are addressed through the GIRAMS and policy ENV5 in the emerging Local Plan. Policy wording and supporting text should incorporate ref to ENV5 and the GIRAMS. Following the People over wind judgement this (Policy ENV5) and any other mitigation proposed cannot be taken into account in the screening and must therefore be considered at appropriate assessment.
Policy 3 Housing Mix	Seeks to control the size of homes (no of bedrooms) and type of tenure in relation to affordable housing	No LSE –The approach is qualitative and does not promote a quantum of development or specific locations within the settlement boundary or increase in across the NPA.	N/A
Policy 4 Principle Residence	Seeks to control occupancy of open market housing, by restrictions on the use	No LSE - The approach is primarily concerned with the occupancy of dwellings and as such is a qualitative approach on existing dwellings.	N/A

<p>Policy 5 Infill development and extensions</p>	<p>Seeks to set principles of infill development to ensure form and character and other qualities are considered, maintained and enhanced. The second part of the policy sets out support for extensions for existing buildings including holiday lets</p>	<p>Potential LSE Recreation (LSE triggered in combination / alone). The approach supports the increase in bed spaces and holiday let accommodation. The level of disturbance is dependent on size and location of growth in relation to interest features and the overall increases in visitors.</p>	<p>The policy as written is taken to apply to existing residential buildings as well as commercial tourism. Development proposals both residential and tourism bring risk to European sites from recreation and the coastal location in particular will be a draw. Recreational impacts are addressed through the GIRAMS and policy ENV5 in the emerging Local Plan. Policy wording and supporting text should incorporate ref to ENV5 and the GIRAMS which includes mitigation for both domestic and tourism development. Following the People over wind judgement this (policy ENV5) and any other proposed mitigation cannot be taken into account in the screening and must therefore be considered at appropriate assessment.</p>
<p>Policy 6</p>	<p>Policy provides design principles to ensure special characteristic of the parish / town are</p>	<p>No LSE – general policy listing general criteria for acceptability of proposals</p>	<p>N/A</p>

High Quality Design	maintained and enhanced. Includes a requirement to prioritise sustainable drainage		
Policy 7 Redevelopment Opportunities	Identifies three sites for redevelopment opportunities including use for residential development.	LSE Recreation – the approach may have a likely significant effect.	Development proposals bring risk to European sites from recreation and the coastal location in particular will be a draw. Recreational impacts are addressed through the GIRAMS and policy ENV5 in the emerging Local Plan. Policy wording and supporting text should incorporate ref to ENV5 and the GIRAMS. Following the People over wind judgement this (Policy ENV5) and any other proposed mitigation cannot be taken into account in the screening and must therefore be considered at appropriate assessment.
Policy 8 Retail and Town Centre	Policy to maintain and enhance the vitality and sustainability of the town centre	No LSE – general policy listing general criteria for acceptability / sustainability of proposals	N/A
Policy 9 Visitor parking	Policy seeks to allow suitably located temporary / seasonal car parking.	Potential LSE Recreation (LSE triggered in combination / alone). The approach supports the general exponential and unquantified increase in car parking spaces and associated visitor numbers with a general presumption	Level of additional car parking spaces needed could be quantified along with the location and access routes in order to

		<p>around location without assessment of current provision, suitable locations, usage, need or the potential visitor impacts on Es or the need for appropriate localised management around specific features/ seasonal or particular activities, alternative locations or monitoring. The level of disturbance on the European sites in close proximity is dependent on size and location of growth and frequency of use in relation to interest features and the overall increases in visitors.</p>	<p>allow assessment of potential impacts. Without further information the level of adverse effects on integrity of Es will be hard to establish.</p> <p>The scale of impacts are likely to vary due to nature of the activity, time of year, access, numbers and location. Visitor behaviour can also have a marked effect. As written the approach would allow for increases in carparking and visitor growth in perpetuity without regard to the assessment of visitor impacts, the need or assessment of management options / mitigation and or controls.</p> <p>Policy wording and supporting text could be amended so as to provide checks and balances and further clarity on the need, levels of provision and location. Consideration should be given to the incorporation of the need</p>
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			for a project level HRA for each application. The recently published Limits of Acceptable Change Study (Footprint Ecology) by The Wash & North Norfolk Marine Partnership, WNNMP, which included specific survey work and reference to Wells/ Beech Rd carparking could be referenced and used as a source of further information/ justification and assessment in the Plan and HRA.
Policy 10 Opportunities for sustainable transport	Policy sets out how sustainable transport will be achieved through the protection of the former Walsingham to Wells railway track bed (in relation to that in the NPA)	No LSE –. General policy on acceptability of sustainability opportunities.	N/A
Policy11 Protecting the Historic Environment	Policy to protect historic environment and heritage assets	No LSE – general policy listing general criteria for acceptability / sustainability of proposals.	N/A
Policy 12 Non-designated Heritage Assets	Policy to protect non designated historic environment and non-designated heritage assets	No LSE – general policy listing general criteria for acceptability / sustainability of proposals	N/A
Policy 13 Local Green Spaces	Policy approach that seeks to maintain/ protect existing Open spaces (some already have existing designations).	No LSE – an environmentally positive policy that may protect and enhance the natural environment.	N/A
Policy 14 Important views	Policy seeking to maintain scenic value	No – LSE.	N/A

Policy 15 Sea level rise and flood risk	Policy supporting climate change adaptation and mitigation to flood risk	No LSE – General plan wide environmental protection policy.	N/A
Policy 16 Pollution	Policy seeking to ensure residential amenity and environmental quality (pollution) are considered	No LSE - No LSE – General plan wide environmental protection policy.	N/A
Policy 17 Wells Beach	Seeks to support increase in visitor use, supports enhancement of access to Es and sets criteria for development on/adjacent to Es.	Recreational impacts at Es.	Development proposals bring risk to European sites from recreation especially given the coastal location and identified beach policy area. The policy includes reference to the establishment of no LSA, however this could be further explained in the policy and surrounding text, including referencing local plan policy ENV5 and the GIRAMS in relation to relevant aspects of the policy and a requirement to undertake for a project level HRA. Following the People over wind judgement the reference such mitigation cannot be taken into account in the screening and must

			therefore be considered at appropriate assessment.
Policy 18 Wells Harbour	Policy seeking to protect and enhance the character of the Harbour and its role as a working and functioning harbour.	<p>General policy encouraging appropriate development that provides in-principle support for proposals that preserve and enhance the towns maritime heritage, and the form and function and character of the harbour. The Harbour area is described in supporting text as located <i>behind the sand bar, amongst the salt marshes</i> and as such located within the European sites. The area is not defined in policy or identified/designated on a map. As such it remains unclear from the various and differing descriptions as to its extent. The policy itself remains ambiguous and It is not clear if the intention of the policy is to provide support for the intensification of use of the Harbour in its entirety or just the Port of Wells, or is limited to supporting proposals that enhance / reinforce the existing harbours character. The effects of the in-principle support for development remain uncertain.</p> <p>It is not clear if the policy is seeking and or supporting Increased moorings and facilities in the harbour area as well as providing unqualified support for improvements to unspecified onshore facilities and or recreational use of the harbour. As such the policy could lead to the increase of visitors onshore and offshore and Increased boat</p>	<p>The policy and its justification and intent could be better defined /explained. The Harbour area that the policy is intended to apply to, needs to be clarified and identified on a map and in the policy . The enhancement and intensification of water-based activities / tourism including temporary boat moorings could bring risks to European sites from recreation and other effects, however the location and intended scale is not clear. Overnight stays from tourism proposals are covered in the emerging Local Plan policy ENV5 which ensures risks are addressed for this type of development. The policy wording or supporting text could be strengthened in this regard with cross</p>

		movements, recreational and or commercial use in the harbour and surrounding area, all of which could have impacts on the marine sites and land-based Es.	reference to Local Plan policy ENV5 and GIRAMS. Overall though the policy and supporting text could be more specific and quantifiable to allow assessment for HRA purposes. The inclusion of a policy requirement for a project level HRA should be considered in the final iteration of the policy and Appropriate Assessment.
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## 6 In-Combination Effects

- 6.16 Existing Plans and proposals must be considered when assessing new plans or programmes for likely significant effects as they may create in combination effects.
- 6.17 The Wells Neighbourhood Plan proposes a specific site allocation, supports specific redevelopment sites and provides in- principle and unquantified support for various housing growth options as well as carparking at unspecified locations along with various policies which set out the neighbourhood plans support/ controls around tourism development. The town is classed as a small growth town in the now advanced emerging Local Plan which has reached submission stage (pre submission consultation was undertaken early 2022 and submission subject to LPA approval is timetabled for March 2023). Outside the town the rest of the NPA is designated as a Countryside where development is restricted in the strategic policies of the District Council. The emerging Local Plan does identify site allocations for development in the parish, as does the existing Development Plan, however those previously identified in the Site Specific DPD 2011 have all been built out. Those sites identified in the emerging Plan, have undergone detailed HRA and Appropriate Assessment and are considered strategic policies and meet the housing requirement as set in the Local Plan. The neighbourhood plan promotes additional housing requirements and further growth over and above that contained in the strategic policies of the adopted and emerging Local Plans but does not set a quantum of development or housing requirement, preferring to leave growth open ended. The Local Plan has undergone HRA and in particular the necessary Appropriate Assessment and it is concluded that the impacts of the Local Plan on the integrity of the European sites is considered to be limited. However, the neighbourhood plan seeks to increase population and overall visitor numbers, without setting targets or requirements, remaining largely qualitative rather than quantitative.
- 6.18 The Wells neighbourhood plan is a lower order plan than the adopted Core Strategy and the emerging Local Plan which focuses on district wide strategic issues. Whilst the neighbourhood plan in its present state contains duplication and unnecessary repetition across its policies as well as with policies in higher order Plans which could be addressed it is not the remit of this screening to consider. A number of policies would benefit from specific reference to the consideration of adverse impacts on the integrity of European sites and the existence of the Norfolk Authorities adopted recreational impact strategy - GIRAMS

## **7 Overall Conclusion - Screening Outcome**

- 7.1 It is concluded that there is the potential for likely adverse effects upon the integrity of the European sites. As such it is recommended that the emerging neighbourhood plan commission a full HRA from a suitably qualified consultant to inform the next stages of plan making and support the submission and examination version of the Plan. This decision is subject to review following consultation with the statutory bodies.**

### **Next Stages**

- 7.2 The outcome of this Screening Report is subject to review by the required statutory bodies, Environment Agency, Historic England and Natural England and North Norfolk District Council. The Screening Report and subsequent screening opinion may also need to be reviewed if significant changes are made to the emerging draft neighbourhood plan as a result of this review or any other evidence that informs a significant change to the Plan prior to Submission Stage, (Regulation 16). A Screening Determination report on whether the emerging July 2022 version of the Wells Neighbourhood Plan does or does not require a habitat regulations assessment will be issued following receipt of advice from the statutory consultation bodies on this report following the statutory consultation period.

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## Appendix 1: Natural England Conservation Advice for Marine Protected Areas

### Background information and Geology<sup>13</sup>

The following information is taken from Southern North Sea marine area site packages <https://www.gov.uk/government/publications/southern-north-sea-marine-area-index-map-and-site-packages>, last updated 15th September 2017.

**The North Norfolk Coast SAC** has an area of 3,207.37 ha and is located to the east of The Wash embayment on the East coast of England. The Annex I habitats that are marine features of the site include coastal lagoons and Mediterranean and thermo-Atlantic halophilous scrub, both of which are listed as primary reasons for selection of the site. Otter is the only Annex II species listed as a qualifying feature of the site.

Coastal lagoons are a priority habitat and are relatively uncommon in the UK. They can increase biodiversity and provide important habitats for breeding and overwintering birds; for this reason much of the coastal lagoon resource within the UK has been included in the SAC series.

**The SAC** was designated for percolation lagoons and together with the Orfordness-Shingle Street SAC and the Benacre-Eastern Bavenets SAC, forms a significant part of the percolation lagoon resource in this part of the UK. Percolation lagoons are separated from the sea by shingle banks, but allow sea water to enter by percolating through the shingle or by over-topping the bank (eg in storms). Salinity in the lagoons is maintained by this percolation of seawater through the beach or dune barrier with the substrate located at the bottom of the lagoons being generally made up of shingle covered by mud.

This site is particularly important for Mediterranean and thermo-Atlantic halophilous scrubs, as it is the only area where all the typical plant species for this habitat occur. The scrubby, salt-tolerant vegetation often develops in the uppermost levels of the saltmarsh, where there is saltmarsh to dune transition and also where dunes overlay shingle. Vegetation here is generally dominated by scattered shrubby bushes with patchy herbaceous plants and bryophytes.

The SAC is also important for otters. These animals became extinct in Norfolk in the 1980's but after a re-introduction, sightings of coastal otters have increased with them most likely using the inland areas for freshwater and using the coastline for hunting.

The pursuit of traditional activities, including those of common rights, and those embraced by the Longshore Economy such as samphire gathering, bait digging and wildfowling is widely recognised by Natural England and the other relevant authorities as a particularly important aspect of the local cultural heritage and economy at this site. Such activities are generally seasonal in nature, localised in their occurrence, employ traditional methods and place a strong emphasis on the principles of sustainability. The Wells, Boston and King's Lynn Advisory Groups' understanding of the levels of these activities since Regulation 33 advice was published in 2000, is that they have had no adverse effect on the site's condition and that there is evidence that some activities, particularly reed cutting and mussel cultivation, can make a positive contribution to the favourable condition of the site. It is thus agreed that such activities, including all the Common Rights on the north Norfolk coast between Holme and Holkham, as currently and historically practiced under law relating to Commons and carried out using traditional methods, are compatible with the need to maintain condition of the site's features.

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<sup>13</sup> Natural England conservation advice for marine Protected Areas, <https://www.gov.uk/government/collections/conservation-advice-packages-for-marine-protected-areas>

As part of the development of the management scheme for the European marine site, the relevant authorities, advisory groups and local communities will need to continue to work together, to obtain a better shared understanding of the benefits and deficits of these activities as they change over time. This will provide an essential mechanism for determining whether fluctuations in these activities may have the potential to adversely affect the interest features of the site.

**The Wash and North Norfolk SAC**, encompasses the largest embayment in the UK, as well as:

- extensive intertidal sand and mudflats
- subtidal sandbanks
- biogenic and geogenic reef
- saltmarsh
- a barrier beach system, unique in the UK

Subtidal sandbanks and reefs are widespread throughout The Wash and North Norfolk coast. Commercially important fish species use sandbanks as nursery grounds and reefs are associated with elevated biodiversity and species abundance. The site has an outstanding example of the habitat *Sabellaria spinulosa* reef, which is of European significance. It is one of only five SACs in the UK where this habitat is the primary reason for the sites designation and contains a significant proportion of the *S. spinulosa* reef located on the eastern coast of the UK.

The large areas of intertidal sand and mudflats form important habitat for polychaete worms, bivalves and crustaceans and foraging ground for wading bird species. Mussel and cockle beds found on the intertidal flats also support important fisheries in the area.

Further inland, saltmarsh and saline reedbeds cover 7,642ha of the site. *Salicornia* and saltmarsh communities colonise the sand and mudflats. Atlantic salt meadows form one of the most diverse and extensive examples of this habitat in the UK. The high diversity of these salt meadows is partly due to the variety of specialist species associated with the different habitats present in the site.

The salt meadow expanse within the site also includes the only location in the UK where all the more typically Mediterranean species that characterise Mediterranean and thermo-Atlantic halophilous scrubs occur together. Four SACs have been designated for this habitat in the UK, totaling around 155ha, of which 107ha is located along the North Norfolk coast.

Coastal lagoons on the North Norfolk coast are maintained by the barrier beach system and inland coastal lagoons provide habitat for unique invertebrate communities

The site is also important for common seals *Phoca vitulina*, providing key habitat for breeding and hauling-out. The site is home to the largest colony of common seals in the UK, around 7% of the UK breeding population, and they can be found hauling out on sand and mudflats throughout in areas such as Blakeney Point. In addition, otters *Lutra lutra*, are also present in the site and included as a qualifying feature.

The pursuit of traditional activities, including those of common rights, and those embraced by the Longshore Economy such as samphire gathering, bait digging and wildfowling is widely recognised by Natural England and the other relevant authorities as a particularly important aspect of the local cultural heritage and economy at this site. Such activities are generally seasonal in nature, localised in their occurrence, employ traditional methods and place a strong emphasis on the principles of sustainability. The Wells, Boston and King's Lynn Advisory Groups' understanding of the levels of these activities since Regulation 33 advice was published in 2000, is that they have had no adverse



effect on the sites condition and that there is evidence that some activities, particularly reed cutting and mussel cultivation, can make a positive contribution to the favourable condition of the site. It is thus agreed that such activities, including all the Common Rights on the north Norfolk coast between Holme and Holkham, as currently and historically practiced under law relating to Commons and carried out using traditional methods, are compatible with the need to maintain condition of the site's features.

As part of the development of the management scheme for the European marine site, the relevant authorities, advisory groups and local communities will need to continue to work together, to obtain a better shared understanding of the benefits and deficits of these activities as they change over time. This will provide an essential mechanism for determining whether fluctuations in these activities may have the potential to adversely affect the interest features of the site.

**The North Norfolk SPA** is located east of The Wash on the northern coastline of Norfolk, eastern England. The SPA covers 7886.79 ha and extends 40km from Holme to Weybourne and includes a great variety of coastal habitats; intertidal mudflats and sandflats, coastal waters, saltmarshes, shingle, sand dunes, freshwater grazing marshes and reedbeds.

The site is important within Europe as one of the largest areas of undeveloped coastal habitat of its type. It is the fourth most important wetland site for waterfowl in Britain. The site is particularly important for saltmarsh containing some of the best examples of this habitat type in Europe.

Other coastal habitats include extensive shingle deposits at Blakeney Point; major sand dunes at Scolt Head and extensive reedbeds at Brancaster, Cley and Titchwell and coastal grazing marsh also present at Cley. Freshwater grazing marsh is found all along the coast with that at Holkham notable for its network of clear dykes with a rich diversity of aquatic plant species.

The coastal waters along the North Norfolk Coast are shallow and follow the complex series of harbours and inlets along the coast. These support large populations of small fish including sand eel and sprat which provide vital food for breeding tern populations upon which breeding success depends. Terns use the vegetated and unvegetated shingle spits, bars and beaches for nesting.

The intertidal mud and sand flats support high densities of invertebrates important for breeding avocet and supporting high numbers of wading birds and wildfowl throughout the year. Additionally the remote nature of the habitats provides secure breeding sites for pink-footed geese (*Anser brachyrhynchus*) and dark-bellied brent geese (*Branta bernicula bernicula*).

The saltmarsh supports breeding populations of skylark and meadow pipit. These in turn support internationally important breeding populations of marsh harrier. A variety of saltmarsh invertebrates also support wading birds.

Large numbers of waterbirds use the site throughout the year. In summer the site and its surroundings is important for breeding populations of waders, four species of tern, bittern (*Botarus stellaris*) and wetland raptors including the marsh harrier (*Circus aeruginosus*). In winter, the site becomes important for large numbers of geese, sea-ducks, other ducks and waders using the site for roosting and feeding. Some species, such as some wintering sea-ducks, feed in coastal waters outside but adjacent to the SPA. The site is also important to migrating birds in the spring and autumn passage periods.

The pursuit of traditional activities, including those of common rights, and those embraced by the Longshore Economy such as samphire gathering, bait digging and wildfowling is widely recognised by Natural England and the other relevant authorities as a particularly important aspect of the local cultural heritage and economy at this site. Such activities are generally seasonal in nature, localised in their occurrence, employ traditional methods and place a strong emphasis on the principles of

sustainability. The Wells, Boston and King's Lynn Advisory Groups' understanding of the levels of these activities since Regulation 33 advice was published in 2000, is that they have had no adverse effect on the sites condition and that there is evidence that some activities, particularly reed cutting and mussel cultivation, can make a positive contribution to the favourable condition of the site. It is thus agreed that such activities, including all the Common Rights on the north Norfolk coast between Holme and Holkham, as currently and historically practiced under law relating to Commons and carried out using traditional methods, are compatible with the need to maintain condition of the site's features.

As part of the development of the management scheme for the European marine site, the relevant authorities, advisory groups and local communities will need to continue to work together, to obtain a better shared understanding of the benefits and deficits of these activities as they change over time. This will provide an essential mechanism for determining whether fluctuations in these activities may have the potential to adversely affect the interest features of the site.

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