

North Norfolk District Council

Habitat Regulations Assessment Screening Report for Consultation

Blakeney Neighbourhood Plan – Draft examination version (December
2020)

March 2021 final for consultation–

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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 Directive¹ for the emerging submission version of the Blakeney Neighbourhood Plan (December 2020). Article 6 (3) of the EU Habitats Directive² and Regulation 63 of the Conservation of Habitats and Species Regulations 2017³ (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 sites⁴.
- 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 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.

¹ 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>

² http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm

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

⁴ NPPF, 2019 Para 176

- 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 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 2012⁵, 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 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 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 other relevant local interest groups such as water companies and local wildlife trusts, prior to the Local Planning Authority issuing the required screening determination and the finalisation of the submission version of the emerging Blakeney neighbourhood plan.
- 1.9 The screening is carried out on the emerging examination version of the Plan dated December 2020 supplied to the Council which is believed to be the final version and is intended to inform 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 Parish Council is advised to seek further advice from the Council.

⁵ http://www.legislation.gov.uk/uksi/2012/637/pdfs/ukxi_20120637_en.pdf

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 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 Blakeney Neighbourhood Plan (December 2020)

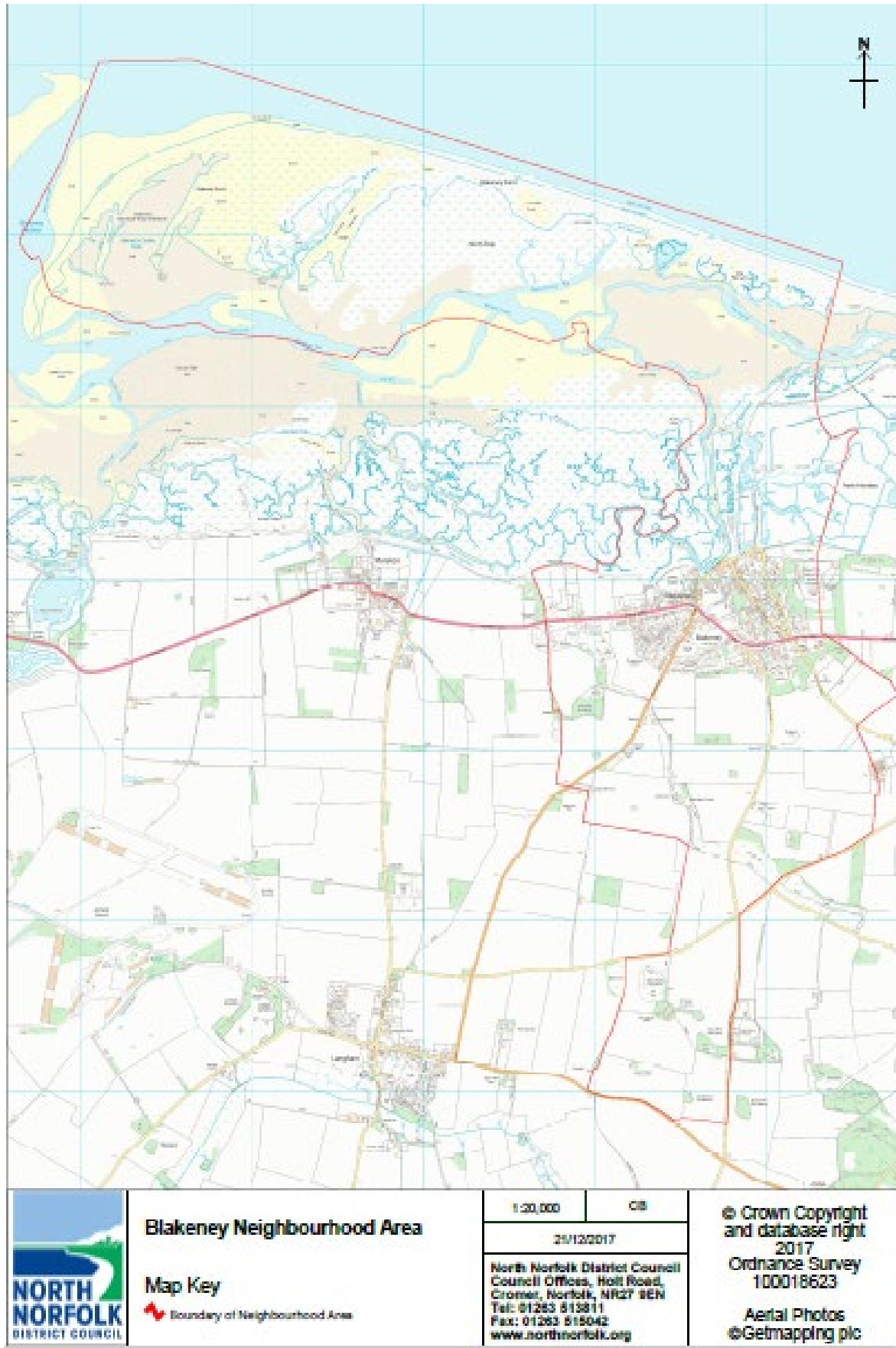
2.1 The Blakeney neighbourhood plan has been written *to enable the local community to have a positive influence on planning in the parish of Blakeney for the benefit of residents* To do this, the December 2019 version of the Plan seeks to bring forward 17 policies over three themes covering Local Economy & Tourism, Natural Environment and Built Environment

2.2 The Plans objectives as set out in the emerging plan (December 20) are:

- To accommodate appropriate change and development so that the intrinsic character and appearance of the village is retained and enhanced;
- To support the provision of affordable housing and to balance the number of second homes with the housing needs of the local community so that Blakeney continues to be a place where people of all ages can live and work;
- To give people with a connection to Blakeney priority for affordable homes;
- To support and promote the development of new and existing local businesses and employment opportunities;
- To protect green open spaces and footpaths within the village to promote wellbeing, preserve the local environment and protect wildlife;
- To make sure any development is of the highest standards of design and meets local needs;
- To maintain a navigable port in Blakeney for leisure and commercial craft

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

Figure 1 – Blakeney Neighbourhood Plan Area



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 Blakeney 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 Blakeney village 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 |
| | The Wash & North Norfolk Coast |
| | Norfolk Valley Fens |
| SPA | North Norfolk Coast |
| SAC (Marine) | North Norfolk Coast |
| | The Wash and North Norfolk Coast |
| SPA(Marine) | North Norfolk Coast |
| | Greater Wash |
| Ramsar Sites | North Norfolk Coast |
| SSSI | Cockthorpe Common, Stiffkey |
| | Weybourne Town Pit |
| | Morston Cliff |
| | Glandford (Hurdle Lane) |
| | Bilsey Hill |
| | Weybourne Cliffs |
| | Warham Camp |
| | Swanton Novers Woods |
| Kelling Heath | |

| | |
|--|------------------------------|
| | Holt Lowes |
| | Wells Chalk Pit |
| | Glandford (Ietheringsett Rd) |
| | North Norfolk Coast |
| | Stuiffkey Valley |
| | Wiveton Downs |

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

| Name & Uk Ref No | Description | Fef | Feature Description |
|---|---|-------|---|
| North Norfolk Coast SAC - UK0019838 | 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 | Coastal lagoons |
| | | 1220 | Perennial vegetation of stony banks |
| | | 1420 | Mediterranean and thermo-Atlantic halophilous scrubs (<i>Sarcocornetea fruticosi</i>) |
| | | 2110 | Embryonic shifting dunes |
| | | 2120 | Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes") |
| | | 2130 | Fixed coastal dunes with herbaceous vegetation ("grey dunes") |
| | | 2190 | Humid dune slacks |
| | | 1355 | Otter, <i>Lutra lutra</i> |
| 1395 | Petalwort, <i>Petalophyllum ralfsii</i> | | |
| The Wash and North Norfolk Coast SAC - UK0017075 | 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 | Sandbanks which are slightly covered by sea water all the time |
| | | 1140 | Mudflats and sandflats not covered by seawater at low tide |
| | | 1150 | Coastal lagoons |
| | | 1160 | Large shallow inlets and bays |
| | | 1170 | Reefs |
| | | 1310 | <i>Salicornia</i> and other annuals colonizing mud and sand |
| | | 1330 | Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) |
| | | 1420 | Mediterranean and thermo-Atlantic halophilous scrubs (<i>Sarcocornetea fruticosi</i>) |
| | | 1365 | Harbour seal, <i>Phoca vitulina</i> |
| | | 1355 | Otter, <i>Lutra lutra</i> |
| The North Norfolk Coast SPA - UK9009031 | 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 | A132 | Avocet, <i>Recurvirostra avosetta</i> |
| | | A021 | Bittern, <i>Botaurus stellaris</i> |
| | | A193 | Common tern, <i>Sterna hirundo</i> |
| | | A046a | Dark-bellied brent goose <i>Branta bernicla bernicla</i> |
| | | A143 | Knot, <i>Calidris canutus</i> |
| | | A195 | Little tern, <i>Sternula albifrons</i> |

| | | | |
|--|---|--|---|
| | tern, common tern, sandwich tern, bittern, avocet and marsh harrier. | A081 A084 A040 A191 A050 | Marsh harrier, <i>Circus aeruginosus</i> Montagu's harrier, <i>Circus pygargus</i> Pink-footed goose <i>Anser brachyrhynchus</i> Sandwich tern, <i>Sterna sandvicensis</i> Wigeon, <i>Anas penelope</i> |
| | Criteria | Feature | |
| North Norfolk Coast Ramsar Site | 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. 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> | |
| | SSS1 Units | Special Interest Feature | Condition Status |
| North Norfolk Coast SSSI | 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**⁶ (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**⁷ and the **North Norfolk Coast SAC**⁸ (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

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

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

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

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 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 19th 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 13th March 2020 by Natural England;
- **North Norfolk Coast SPA** was last updated on 13th September 2019 by Natural England;
- **North Norfolk Coast SAC** was last updated on 15th 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 Blakeney 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 Blakeney 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. Following Consultation May 2019 at Regulation 18 stage the emerging Local Plan consists of the Regulation 19 stage Plan which is scheduled to be consulted on in the spring 2021. 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 and setting the strategic policies to deliver sustainable growth over the Plan period 2016- 2036. The Local Plan has been subject to an Interim HRA and is currently undergoing 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 emerging⁹) 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 (including neighbourhood Plans) and submitted as developer proposals **do not** have an adverse effect on the integrity of European sites, Es.

⁹ With the exception of the Broads Authority

- 4.5 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 strategic policies. The appropriate assessment whilst providing actions for the next phase of plan making concluded 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 to address in-combination recreation effects. The emerging final HRA screening also identifies likely significant effects for the emerging site allocations in Blakeney following in relation to general urban effects and avoidance of buildings:
- 4.6 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
- 4.7 The emerging Appropriate Assessment of the preferred sites at Blakeney identified that they at the edge of the village, the main coast road separate the allocations from the European site boundary but that the sites are well connected and easily accessible. Checks in the HRA of the supplementary conservation objectives highlight little in the way of risks from urban effects and concluded that garden escapes such as Lupins *Lupinus arboreus* and Tamarisk *Tamarix gallica* are identified as undesirable species for the perennial vegetation of stony banks qualifying feature of the North Norfolk Coast SAC. **The risk would relate to houses and gardens directly adjacent to areas of vegetated shingle.** Checks of aerial photographs indicate there is no vegetated shingle in close proximity to the allocations in the emerging Local Plan. The parts of the European site in proximity are saltmarsh and there are creeks that limit access and the risks of garden escapes etc. spreading. The creeks in the saltmarsh will provide a barrier for foraging cats, limiting their impacts on any breeding bird interest. The Local Plan allocation sites are connected to the village and therefore unlikely to result in a **marked change in lighting that might affect birds within the SPA.** As such the more detailed assessment concluded that **there is no credible means by which urban effects from the Blakeney preferred sites could adversely affect the integrity of the North Norfolk Coast SAC/SPA/Ramsar and as such no further assessment in relation to this aspect of the appropriate assessment was required.**
- 4.8 Screening also identified that due to their immediate proximity to the European sites and the likelihood of triggering LSE alone (in addition to in-combination) will require high quality green infrastructure provision and specific measures on site to **address localised recreational issues and impacts on the adjacent European site** . The HRA of the Local Plan concludes that due to the limited levels of growth provision should be concentrated on site and be informed by a project level HRA which should check the local footpaths and ensure signage, dog bins, potentially screening etc. are in place to resolve any access issues in the immediate vicinity of the allocations. This requirement would be picking up and very specific, local issues that might be missed given the more strategic scale and scope of the emerging Recreational Avoidance Mitigation Strategy, RAMS detailed below.
- 4.9 The HRA for the adopted Site Specific DPD was undertaken in 2011 and concluded that there is the potential for disturbance to fen orchid at the Norfolk Valley Fens SAC located approximately

10km away from Blakeney. However due to the nature of site and the limited visitation that it receives it can be concluded that levels of disturbance will be very low and there will be no adverse effect were concluded from the level of growth in the Core strategy. Adverse effects were not ruled out for the North Norfolk Coast and Wash SAC but following the appropriate mitigation measures subsequently incorporated it was concluded no adverse effects on the integrity of any of the Natura 2000 or Ramsar sites. 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, (2007). The sites have since been delivered. The strategic policies of the Core Strategy 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

- 4.10 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 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 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.
- 4.11 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
- 4.12 With in-combination LSE being identified through all residential and tourism related growth the Norfolk Authorities with guidance from Natural England are progressing 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.

- 4.13 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.
- 4.14 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.**
- 4.15 Following the People over Wind Judgement¹⁰ 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.
- 4.16 Specific recreation concerns were also identified in the emerging local Plan HRSs for the emerging sites in Blakeney given their very close proximity to the European sites (North Norfolk Coast SPA/SAC/Ramsar); and as such concluded that growth would also likely to triggering likely significant effects alone:

Water Quality / Increased pressure on water resources

- 4.17 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).
- 4.18 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.
- 4.19 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

¹⁰ People Over Wind: European Court Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta 12 April 2018

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 HRA that informed the emerging Local Plan identifies such a policy as an environmentally positive policy.

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. 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 Parish 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 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 Treaty¹¹ **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’ case¹² refers to “*no reasonable scientific doubt*” and in the ‘Sweetman’ case¹³ 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

¹¹ 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.

Blakeney Neighbourhood Plan context

- 5.6 The BNP December 2020 version comprises of 17 policies grouped into three themes covering the built environment, the natural environment and the local economy and tourism.

Assessment Matrix

- 5.17 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 Affordable Homes for Local People | Seeks to control the occupancy of affordable housing - criteria based approach | No LSE- The BNP does not bring forward any additional planned growth. The approach is primarily concerned with the occupancy of dwellings and as such is a qualitative approach on existing dwellings and planned growth | N/A |
| Policy 2 Managing Second Home Ownership | Seeks to control the occupancy of Market housing - criteria based approach | No LSE - The BNP does not bring forward any additional growth. The approach is primarily concerned with the occupancy of dwellings and as such is a qualitative approach on existing dwellings and Planned growth. | N/A |
| Policy 3 Change of Use from Residential to Holiday Let Accommodation | Seeks to control, by restrictions on the use of a dwelling, the change of use of a dwelling to that of Holiday let accommodation - criteria based approach | 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. Tourism development as a whole is shown to have the potential to impact on European Sites and in exceptional circumstances due to proximity to Es and scale any change of use may require a project level HRA. However the occupancy of a dwelling whether it be on a permanent basis or used for holiday let purposes is limited to the number of bed spaces and it is not envisaged substantial increase in footfall | <p>The policy should be expanded to make it clear under a 4th criteria that change will result in no net increase in occupation.</p> <p>The supporting text should be expanded to advise the approach should not see an a net increase in occupation and as such not seen as having the potential for adverse impact on Europeans sites</p> |

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| | | | due to increased recreational pressures |
| Policy 5 Change of use from Holiday let accommodation to Residential | Seeks to control occupancy , by restrictions on the use, the change of use/ occupancy of a holiday let accommodation to that of residential - criteria based approach | No LSE - The approach is primarily concerned with the occupancy of dwellings and as such is a qualitative approach on existing dwellings. | N/A |
| Policy 5 Extension to Holiday let Accommodation | Seeks to restrict the opportunity for extensions to holiday let accommodation through criteria based approach | No LSE - Impact pathways highly unlikely for this development type | N/A |
| Policy 6 Design of Development | Seeks to control housing types, seeks reassurance in regard to demonstrable sewage capacity and sets criteria for the built environment in relation to a wide ranging matters across design to waste disposal to historic environment and wider amenity. | No LSE –The approach is qualitative. Elements of the approach are environmentally positive and can protect and enhance the natural environment, though overlap with other policy areas. | Hydrological impacts from growth including water supply and waste water treatment are not identified as an issue in the growth levels of the Local Plan for the village. The policy covers the entire NPA including areas of “countryside” and is silent on development and water issues such as impacts from outflows from sewage treatments and outflow from septic tanks that which can result in increased nutrient loads. An opportunity exists in this policy or others that seem to address similar |

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| | | | matters to address this if thought necessary. |
| Policy 7 Improving Design of New and Replacement Dwellings | In combination with policy 6, qualitative policy for the built environment | No LSE – The approach is primarily concerned with design considerations. | |
| Policy 8 Infill Development | Seeks a criteria based (restrictive) approach to infill development | No LSE- the policy is qualitative and does not promote a quantum of development outside the settlement hierarchy and as such does not itself pose a risk to European sites | N/A |
| Policy 9 Replacement Dwellings | Criteria relating to developments for replacement dwellings, extensions and annexed accommodation | No LSE –Impact pathways unlikely for this development type | N/A |
| Policy 10 Drainage and Flooding | Seeks to ensure a positive approach to managing flood risk, surface water and drainage including that of wastewater management. Includes the requirement for Environmental Management Plan and management proposals for ordinary water courses and culverts | No LSE – the approach is qualitative though would benefit from specific mention with regards impact pathways on European sites. | Policy wording should highlight that the above measures would have to demonstrate no adverse effect on the integrity of the European sites. |
| Policy 11 Biodiversity and Accessibility | Environmentally positive approach to conserving and enhancing the natural environment, | No LSE – policy that seeks to enhance biodiversity and connectivity to wider parish and countryside. May support the wider mitigation strategy for recreation. | Whilst biodiversity benefits are positively referred to, the third criteria in the policy which seeks to maximise opportunities of increased access would benefit from the addition of a caveat clarifying that |

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| | | | proposals would not result in adverse impacts on the integrity of the European sites. |
| Policy 12 Dark Night Skies | Qualitative approach for the control of external and internal lighting | NO LSE – The Np delivers no additional planned growth and as with the levels of growth proposed in the local Plan, development that is likely to come forward in the village is unlikely to result in a marked change in lighting that might affect birds within the SPA | N/A |
| Policy 13 Open Space Preservation | Policy approach that seeks to maintain existing Open spaces | No LSE – an environmentally positive policy that may protect and enhance the natural environment | Potential to refine in lines of designated and non-designated |
| Policy 14 Sustainability of Open Space | Criteria approach to the provision of management for Open space | No - LSE | N/A |
| Policy 15 Local Employment | Criteria based policy to employment growth | No LSE – positive approach to seeking no adverse impacts on local environment. The approach does not stipulate any quantum or location of development but seeks to restrict its type. | The approach is broad in its support for employment type and would benefit from further clarity. Insert wording that proposals demonstrate no adverse impacts on the integrity of the European sites |
| Policy 16 Retention of Business Premises for Blakeney | Approach that seeks to retain commercial premises | No LSE - Impact pathways highly unlikely for this development type | N/A |

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|----------------------|---|--|--|
| Policy 17 Tourism | Criteria for allowing new build and extensions to tourist attractions | No LSE – qualitative policy. This policy does not stipulate any quantum or location of development. Concerns about indirect effects of tourism on SPA designations, particularly disturbance to birds. | Insert additional wording that all tourism development demonstrate no advisers' impacts on designated nature conservation interests and the integrity of the European sites. |
|----------------------|---|--|--|

6 In-Combination Effects

- 6.17 Existing Plans and proposals must be considered when assessing new plans or programmes for likely significant effects as they may create in combination effects.
- 6.18 The Blakeney Neighbourhood Plan proposes no site allocations or new designations but is supportive through various criteria approaches of adhoc development while seeking to control the use/ occupancy of others. Some policies seem to apply to the village, which is classified as a growth location and Coastal Service Village in the Core Strategy and a large Growth Village in the emerging Local Plan. Outside the village the rest of the NPA is designated as a Countryside location in the statutory Development Plan, where development is restricted in the strategic policies of the District Council. It is not clear if the intention is to seek to apply the approaches across the whole of the NPA or where growth is supported through the Local Plan. 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. With the neighbourhood plan not promoting any quantum of development and in particular any additional development already in Plans/emerging Plans the impacts of the plan on the integrity of the European sites is considered to be limited as the neighbourhood plan does not seek to increase in population and overall visitor numbers, and remains largely qualitative
- 6.19 The Blakeney 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 in its present state contains duplication and reparation across its policies as well as policies in higher order Plans it is not the remit of this screening to consider and as such number of policies would benefit from specific reference to the consideration of adverse impacts on the integrity of European sites
- 6.20 Additional criteria / wording as outlined in the screening assessment should be added for Policies: 3,10,11,12,15 and 17**
- 6.21 With these measures it is considered that in relation to the adopted and emerging Local Plan and additional wording would be sufficient that the assessment is able to ascertain no in combination adverse effect upon the integrity of any European site in relation to this version of the Neighbourhood Plan (December 2020).

7 Overall Conclusion - Screening Outcome

7.1 Subject to the inclusion of the additional clarifications outlined in 6.20 It is concluded that there are no likely adverse effects upon the integrity of any European site. 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 December 2020 version of the Blakeney 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.

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Appendix 1: Natural England Conservation Advice for Marine Protected Areas

Background information and Geology¹²

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 Baven's 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.

¹² 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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