

North Norfolk District Council

Habitat Regulations Assessment Screening Determination

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

March 2023

**North Norfolk District Council
Planning Policy Team**

01263 516318

planningpolicy@north-norfolk.gov.uk

Planning Policy

North Norfolk District Council

Holt Road, Cromer, NR27 9EN

**All documents can be made available in Braille, audio, large print or in other languages.
Please contact 01263 516318 to discuss your requirements**



Contents

1	Introduction	1
2	Legislative Background	1
3	Assessment	3
4	Screening Determination.....	12
	Appendix 1: Consultation Responses.....	13

[BLANK PAGE]

1 Introduction

- 1.1 The Regulations require Habitats Regulations Assessment (HRA) screening to be undertaken by the competent authority i.e. any public body or individual holding public office with 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, as amended (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 2000¹ site or adversely affect the integrity of the Natura 2000 site alone or in combination with other plans or projects. This process is generally referred to as a Habitats Regulations Assessment (HRA).
- 1.2 Whether a neighbourhood plan requires a habitats regulation assessment and the level of detail needed will depend on what is proposed in the draft Neighbourhood Plan and the potential impacts on European sites designated for their nature conservation interest. Following the Screening Assessment this report represents the Screening Determination of North Norfolk District Council as the responsible body in Law on whether the emerging draft submission Version dated July 2022 will significantly affect the integrity of any European site, in terms of impacting on the site’s conservation objectives. This report therefore determines whether a Habitats Regulations Assessment (HRA) under Directive 92/43/EEC, also known as the Habitats Directive, is required for the Neighbourhood Plan.
- 1.3 As the “responsible body” this report sets out North Norfolk District Council's HRA determination conclusions in respect of the:
- Screening report undertaken by NNDC on behalf of the Neighbourhood Plan steering group, which can be viewed at [Home | Wells-next-the-sea Neighbourhood Plan \(north-norfolk.gov.uk\)](http://Home | Wells-next-the-sea Neighbourhood Plan (north-norfolk.gov.uk))
 - The responses to this report from the statutory consultees (where they responded) are contained in Appendix 1 to this report.
- 1.4 This assessment relates to the emerging draft submission Version dated July 2022 published under Regulation 14 of the Wells - next – Sea Neighbourhood Plan and follows earlier consultation on the HRA Screening Assessment with statutory bodies.

2 Legislative Background

- 2.1 It is a requirement of 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

¹ Natura 2000 sites are a network of protected areas covering Europe's most valuable and threatened species and habitats. It is the largest coordinated network of protected areas in the world, extending across all 28 EU countries, both on land and at sea.

terms of impacting on the site's conservation objectives and should conclude whether or not a proposal or policy in the Plan would adversely affect the integrity of any sites.

- 2.2 To consider whether a proposed development plan or programme is likely to adversely affect the integrity of any European site the HRA is undertaken in stages.

Stage 1: 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). This needs to take account of the likely impacts in combination with other relevant plans and projects. This assessment should be made using the precautionary principle. This means that if there is uncertainty as to whether the plan or programme would cause significant effects on a European site, the full Appropriate Assessment would be required. The screening assessment must reflect the outcomes of the 2018 judgement of the Court of Justice of the European Union², which has ruled that where mitigation is necessary this must be identified through an Appropriate Assessment.

Stage 2: Carrying out Appropriate Assessment and ascertaining the effect on site integrity. The effects of the plan on the conservation objectives of sites should be assessed, to ascertain whether the plan has an adverse effect on the integrity of a European site.

Stage 3: Identifying mitigation measures and alternative solutions. The aim of this stage is to find ways of avoiding or significantly reducing adverse impacts, so that site integrity is no longer at risk. If there are still likely to be negative impacts, the option should be dropped, unless exceptionally it can be justified by imperative reasons of overriding public interest.

- 2.3 If it cannot be demonstrated 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. This is a much more detailed study of the effects of the plan or programme and mitigation measures. The parts together form a full HRA. Where it is deemed that adverse effects cannot be ruled out, a plan or project must not proceed, unless exception tests are met.

- 2.4 In determining whether a proposed development plan or programme is likely to have significant effects, the local authority must incorporate the 'precautionary principle' into its decision. This means that if there is uncertainty as to whether the plan or programme would cause significant effects on a European site, the full AA would be required. If an Appropriate Assessment is required, then this will engage the need for a Strategic Environmental Assessment.

- 2.5 The Neighbourhood Planning (General) Regulations 2012³, 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

² C-323/17 – People over Wind, Peter Sweetman v Coillte Teoranta

³ http://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi_20120637_en.pdf

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 following consultation with relevant statutory consultees and can be relied upon by the submitting authority i.e the Town or Parish Council, as part of submission documents and for the subsequent examination.

- 2.6 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 as updated. 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.

3 Assessment

- 3.1 Wells - Next - the - Sea Town Council is producing a Neighbourhood Plan for the parish of Wells, in order to set out the vision, objectives and policies for the development of the parish, within the context of the Local Plan and emerging updated Local Plan. This Habitats Regulations Assessment screening assessment reviews the emerging Draft submission Neighborhood Plan consulted on under regulation 14 sate dated July 2022.
- 3.2 The Neighbourhood Plan includes a range of policies covering the Wells Neighbourhood Plan Area. A number of policies relate to the full Neighbourhood Plan area whilst others are area/location specific. The Neighbourhood Plan does include specific site allocations.
- 3.3 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.

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

3.5 The Wells -next - the -Sea 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

3.6 Component Sites of Scientific Special Interest:

- North Norfolk Coast SSSI
- Ramsar Site: North Norfolk Coast Ramsar Site.

3.7 The District contains a number of European sites within 10Km of Wells-next – the- Sea 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.

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 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>
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 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>Glaucopuccinellietalia maritimae</i>) Mediterranean and thermo-Atlantic halophilous scrubs (<i>Sarcocornetea fruticosi</i>) Harbour seal, <i>Phoca vitulina</i> 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 tern, common tern, sandwich tern, bittern, avocet and marsh harrier.	A132 A021 A193 A046a A143 A195 A081 A084 A040	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>

		A191 A050	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.</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>	
	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>

In-combination effects

- 3.8 Existing Plans and proposals must be considered when assessing new plans or programmes for likely significant effects as they may create “in- combination” effects.
- 3.9 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.

- 3.10 The emerging Wells-next-the-Sea 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.
- 3.11 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 emerging⁴) 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.
- 3.12 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.
- 3.13 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 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

⁴ With the exception of the Broads Authority

by the Norfolk Authorities⁵ on 31st March 2022 and the emerging Local Plan includes specific policies for its continuance.

- 3.14 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.
- 3.15 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

- 3.16 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 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.
- 3.17 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;

⁵ LPAs of: North Norfolk, Kings Lynn & West Norfolk, Great Yarmouth, Breckland, The Broads Authority and the Greater Norwich Authorities.

- Exacerbate existing management difficulties, for example by grazing being restricted
- 3.18 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.
- 3.19 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.
- 3.20 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.**
- 3.21 Following the People over Wind Judgement⁶ 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 report.
- 3.22 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.

Water Quality / Increased pressure on water resources

- 3.23 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).
- 3.24 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

⁶ People Over Wind: European Court Case C-323/17 People Over Wind & Peter Sweetman v Coillte Teoranta 12 April 2018

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.

- 3.25 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 take 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

- 3.26 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).
- 3.27 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.
- 3.28 The Wells-next-the-Sea 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 is timetabled for March/ April 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.

- 3.29 The Wells-next-the-Sea 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

Screening Outcome

- 3.30 The screening assessment **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.**
- 3.31 Natural England, Historic England and The Environment Agency as the statutory bodies were consulted between 20 January and 27 February 2023 on both the SEA and HRA screening reports. Their responses are appended to this report.

4 Screening Determination

- 4.1 The HRA screening assessment report identifies that the emerging Neighbourhood Plan could potentially result in likely significant effects to European Sites, either alone or in combination, and therefore an appropriate assessment under the Habitats Regulations is required.
- 4.2 This position is supported by Natural England who also advise that there is the potential for significant environmental effects arising from the policies in the plan, which have not already been accounted for within the adopted local plan. Natural England also recommend that the Wells-next-the-Sea Neighbourhood Plan requires an SEA to be undertaken.
- 4.3 It is determined that an appropriate assessment under the Habitats Regulations is required and used to inform the final preparation of the emerging Draft Neighbourhood Plan.

Appendix 1: Consultation Responses

Chris Brown

From: Planning Policy
Sent: 20 January 2023 11:45
To: planning_liaison.anglian_central@environment-agency.gov.uk;
Eastplanningpolicy@HistoricEngland.org.uk; consultations@naturalengland.org.uk
Cc: Iain Withington
Subject: Wells-next-the-Sea Neighbourhood Plan SEA & HRA Screening Consultation
Attachments: Wells NP HRA Screening Reg 14 (December 2022) FINAL.pdf; Wells NP SEA
Screening Reg 14 (December 2022) FINAL.pdf; Wells-next-the-Sea Pre-Submission
Neighbourhood Plan Reg 14 (July 2022).pdf

Dear Consultee,

Wells-next-the-Sea Neighbourhood Plan SEA & HRA Screening Consultation

North Norfolk District Council, as the Responsible Authority, have received a request for a **Strategic Environmental Assessment** (SEA) and a separate **Habitat Regulations Assessment** (HRA) screening opinion on the Regulation 14 Pre-Submission Version **Wells-next-the-Sea Neighbourhood Plan**.

The initial screening cannot rule out likely significant effects and therefore recommends that a full HRA and SEA is undertaken. Before finalising our opinion and issuing a screening determination in line with the regulations, we wish to consult with the relevant consultation bodies, namely Environment Agency, Historic England and Natural England.

We would be grateful if you could coordinate for response and forward this email to the appropriate person. We welcome your response within the next 5 weeks, by **Monday 27 February or earlier** would be appreciated.

The consultation version of the SEA and separate HRA screening opinions are attached, along with a copy of the emerging Regulation 14 Pre-Submission Version of the Wells-next-the-Sea Neighbourhood Plan, July 2022. If you require any further information please let us know as soon as possible and we will endeavour to supply it so that you can advise appropriately within the consultation timeframe.

We look forward to receiving any comments you may have in due course. Please feel free to ask any questions or seek further information from Iain Withington.

We would be grateful for your acknowledgment of this email.

Kind Regards

Iain Withington
Planning Policy Team Leader





Mr Iain Withington
North Norfolk District Council
Holt Road
Cromer
Norfolk
NR27 9EN

Our ref: AE/2023/128052/01-L01
Your ref: Wells-next-the-Sea
Neighbourhood Plan
Date: 28 February 2023

Dear Mr Withington

**WELLS-NEXT-THE-SEA NEIGHBOURHOOD PLAN SEA & HRA SCREENING
CONSULTATION WELLS-NEXT-THE-SEA**

Thank you for consulting us on the Strategic Environmental Assessment Screening Report for the Wells-next-the-Sea Neighbourhood Plan.

Flood Risk

Based on a review of environmental constraints for which we are a statutory consultee, we find that there are areas of fluvial flood risk and watercourses within the neighbourhood plan area. In particular, we note that the boundary does extend into areas of Flood Zones 2 and 3 of the East Fleet tidal area.

On the basis that future development is steered away from the sensitive aspects of the environment highlighted, we do not consider there to be potential significant environmental effects relating to these environmental constraints. Nevertheless, we recommend the inclusion of relevant policies to cover the management of flood risk. Allocation of any sites and any windfall development delivered through the Plan period should follow the sequential approach. [National Planning Policy Framework](#) (NPPF) paragraph 161 sets this out.

Informative:

We encourage you to seek ways in which your neighbourhood plan can improve the local environment. For your information, together with Natural England, Historic England and Forestry Commission we have published joint guidance on neighbourhood planning, which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at: [How to consider the environment in Neighbourhood plans - Locality Neighbourhood Planning](#)

We trust this advice is useful

Yours sincerely

Environment Agency
Iceni House Cobham Road, Ipswich, IP3 9JD.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..

Chris Brown

From: [REDACTED]@HistoricEngland.org.uk
Sent: 10 February 2023 14:19
To: Planning Policy
Cc: Iain Withington
Subject: RE: Wells-next-the-Sea Neighbourhood Plan SEA & HRA Screening Consultation

Some people who received this message don't often get email from [REDACTED]@historicengland.org.uk. [Learn why this is important](#)

Dear Iain,

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

The Screening Report indicates that the Council considers that the plan will not have any significant effects on the historic environment. We note that the plan does propose to allocate one site for development (identified as CFS2). Upon undertaking a desk-top study of the site's location and potential for impacts on the historic environment, we do not consider it likely that any significant effects would result from its development.

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

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

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

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

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

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

Kind regards,

[REDACTED]

[REDACTED]
Historic Places Adviser - East of England
Historic England

Direct Line: [REDACTED]

Mobile: [REDACTED]



Historic England

Brooklands | 24 Brooklands Avenue | Cambridge | CB2 8BU

www.historicengland.org.uk

Twitter: @HE_EoE

Are you an organisation that has used or considered using our Enhanced Advisory Services (EAS)?
Click the following link: [SmartSurvey](#) to take part in a short 10 minute review of our services if you'd like to have your say.

We'd welcome your views.



Historic England

Work with us to champion heritage and improve lives. Read our Future Strategy and get involved at historicengland.org.uk/strategy.

Follow us: [Facebook](#) | [Twitter](#) | [Instagram](#) Sign up to our [newsletter](#)

This e-mail (and any attachments) is confidential and may contain personal views which are not the views of Historic England unless specifically stated. If you have received it in error, please delete it from your system and notify the sender immediately. Do not use, copy or disclose the information in any way nor act in reliance on it. Any information sent to Historic England may become publicly available. We respect your privacy and the use of your information. Please read our full [privacy policy](#) for more information.

Date: 20 February 2023
Our ref: 419656
Your ref: N/A



Mr Withington
North Norfolk District Council
Planning.Policy@north-norfolk.gov.uk

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Mr Withington

Wells-next-the-Sea Neighbourhood Plan SEA & HRA Screening Consultation

Thank you for your consultation on the above dated 20 January 2023 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Where Neighbourhood Plans could have significant environmental effects, they may require a Strategic Environmental Assessment (SEA) under the Environment Assessment of Plans and Programmes Regulations 2004 (as amended). Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the [Planning Practice Guidance](#).

Planning practice guidance also outlines that if an appropriate assessment is required for your Neighbourhood Plan this will also engage the need for a SEA. One of the basic conditions that will be tested by the independent examiner is whether the neighbourhood plan is compatible with European obligations, including those under the SEA Directive. Where a SEA is required it should be prepared in accordance with [Regulation 12](#) of the SEA Regulations.

Where a neighbourhood plan could potentially affect a [Habitats Site](#), it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2017), as amended (the 'Habitats Regulations'). Where likely significant effects are identified, it will be necessary to undertake an appropriate assessment of the neighbourhood plan and, if needed, identify and secure appropriate mitigation measures to ensure the plan does not result in an adverse effect on the integrity of the habitats site.

Natural England welcomes the Screening Reports (dated December 2022) which assess the Wells-next-the-Sea requirement for SEA and Habitats Regulations Assessment (HRA) for the Neighbourhood Plan.

Natural England agrees with the conclusions of the reports that there is the potential for significant environmental effects arising from the policies in the plan, which have not already been accounted for within the adopted local plan. Therefore, the Wells-next-the-Sea Neighbourhood Plan does require an SEA to be undertaken. Natural England also agrees that the Plan could potentially result in likely significant effects to European Sites, either alone or in combination, and therefore an appropriate assessment under the Habitats Regulations is required.

Aside from this, Natural England have no specific comments at this stage. We would be happy to comment further should the need arise. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely



Norfolk & Suffolk Team