

PLANNING COMMITTEE
17 December 2018

**SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE
PUBLICATION OF THE AGENDA AND ERRATA**

Item Number 8/1(a) **Page Number** 7

Agent: Submitted a statement to confirm that following an Updated Extended Phase 1 field Survey (undertaken on 7th December 2018) no significant changes were identified on site from that previously completed in 2016 and therefore the species reports are still considered by the ecology consultant to be valid.

2018 UPDATED SITE VISIT CONCLUSIONS

6.1. The updated desk study data reports no significant change in protected species recorded within 2km of the Site apart from bats. The updated records identifies five bat species onsite and four bat species recorded with 0.5km of the development Site boundary; within the 'wider survey area'. This is in line with findings of the bat activity surveys undertaken in 2016.

6.2. Recent bat records onsite suggest that the current habitats and ecological features being utilised for commuting and/or foraging (hedgerows, woodland and scattered trees) should be retained and enhanced with consideration given to lighting schemes pre and post construction with further surveys completed if deemed appropriate following recommendations given within the Bat Survey Report (16-1515, Lockhart Garratt, 2017).

6.3. Following on from the completion of an updated visit to Site it is considered that the habitats previously identified have not significantly altered since the initial habitat assessment was undertaken.

6.4. The majority of the habitats within the Site are considered to be of moderate to low ecological value. A number of scattered trees on Site were of intermediate - high ecological value with some being identified as having high bat potential.

6.5. The recommendations detailed in this report in relation to the retention and enhancement of boundary features and scattered trees and the set aside of locally suitable habitat for locally important species should all be upheld (if not already undertaken). The boundary features and scattered trees offer commuting and foraging opportunities and potential bat roost locations and potential Site masterplans for the development should reflect this.

6.6 The recommendations also provided by the subsequent species surveys that were undertaken at the Site including any further/necessary survey work, mitigation strategy's and requests for further information should all be undertaken. As there has been no significant change to the habitats present within the Site and wider survey area, these habitats are considered to still provide the same suitability for protected species as during the original survey work. Therefore the protected species surveys and corresponding reports are still considered to be valid.

Agent: There has been continued discussion with the agent regarding the wording of the recommended planning conditions and some changes are recommended to four of the conditions (see below).

Also seeks clarification regarding the NCC requirement for 1.1ha of land to provide for school extension.

Third Party comments: TWO letters (one from the agents for the Knight Hill development) received. Comments are summarised below:

- 450 homes are proposed which is completely unacceptable.
- Highways issues, school issues, drainage and lack of services would create many problems and cause prolonged disruption and serious accidents.
- Main spine roads and other essential works, including roundabouts, should be in place before any dwellings are sold.
- School access, both pedestrian and vehicular should be solely from the new spine road and the Hall Lane access closed.
- Density should be 5 per acre (net) to reflect the density in proximity.
- Both foul and surface water drainage should be completed before dwellings are sold.
- Provision of services, including healthcare, should be in place before dwellings are sold.
- 1,200 dwellings in the area; hope the resultant traffic chaos and impact on roundabouts, junctions will be taken into account.
- The Highways Impact Assessment that has been carried out by the local Highways Authority in respect of the Hall Lane sites and the Knights Hill application finds that the combined impacts of the two developments can be mitigated through the improvements described within the LHA's consultation response (i.e. the lengthening of the approach lanes on Grimston Road). The LHA has concluded that if all three applications (i.e. the two at Hall Lane and our application at Knights Hill) make proportional contributions to the identified improvements works the cumulative impact can be suitably mitigated.
- While we note that the LHA are happy with the proposed mitigation package we have not seen the raw data. If the Hall Lane applications are approved ahead of the Knights Hill application it is clearly important that the additional development that is proposed in the Hall Lane application, over and above the committed/allocated quantum of development, can also be suitably mitigated, in addition to the committed development at Knights Hill.
- The two Hall Lane applications seek permission for a total of 575 dwellings as well as a public house, employment and a larger retail facility (of up to 2500m²). This compares to the allocation which refers to a minimum of 300 dwellings being provided as well as small scale employment uses and local retail facilities.
- The promoters of the Knights Hill application have no objections to the additional development being proposed at Hall Lane providing the additional vehicle movements generated have been clearly assessed and can be accommodated on the highway in addition to the other committed development in the area, namely at Knights Hill.

Historic Environment Service: Final comments - **NO OBJECTION** subject to the imposition of a planning condition requiring a programme of archaeological mitigatory work in accordance with NPPF para. 199.

Local Planning Authority: Supporting Statement - Habitats Regulations – Appropriate Assessment:

The LPA has undertaken an Appropriate Assessment to consider the impact on the integrity of the Natura 2000 sites of the project, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts

The Appropriate Assessment concludes:

'The submitted application forms part of the wider allocation for at least 300 dwellings in the Site Allocations and Development Management Policies Plan (SADMPP), which is part of the Development Plan for the area. The plan and its policies has been subject to Habitats Regulations Assessment. This particular application proposes a scheme for 450 dwellings on the majority of the allocated site, which is larger in terms of numbers (at least 300) than initially envisaged in the SADMPP. Taken cumulatively the overall allocated site numbers, including the site to the north (known as the Bowbridge application), amount to 575 dwellings.

It is of note that the proposed application incorporates large areas of open space on the

western part of the site. 12.5ha of open space on this site alone (approximately 40% of the site) is proposed which includes large areas of natural green space and other space designed to be attractive to recreational users, especially dog walkers. This part of the site offers benefits in terms of drainage and ecological aspects but also presents itself as a substantial opportunity to enhance areas of biodiversity within the proposal through the creation of a segregated wildlife area. These areas planned into the proposal therefore not only provide areas for drainage, landscaping and ecology but also present opportunity to offer a substantial level of mitigation for the Natura 2000 sites.

As referred to above, the Ecological Screening Report sets out a list of mitigation measures which will ensure the development will not have significant effects on the Natura 2000 referred to. It is considered these elements can be secured through planning condition or legal agreement and will sit alongside the mitigation measures achieved through the payment of the Habitat Mitigation Tariff.

Accordingly, subject to the development incorporating additional recreational provision in the form of informal open space or dog walking facilities in addition to the list of generic and specific measures referred to at paras 1.30 and 1.31, and the applicant agreeing to undertake the appropriate mitigation measures as set out in the Natura 2000 Sites Monitoring and Mitigation Strategy with specific regard to the Habitat Mitigation Tariff, it is considered that the impacts upon the Natura 2000 sites can be mitigated to a sufficient degree for it to be ascertained that the proposal would not adversely affect the integrity of the sites, and permission may be granted.'

The full Appropriate Assessment is attached to this late correspondence for information.

Assistant Director's comments:

The application has been supported by a Transport Assessment and Highways issues are already considered at pages 38 – 40 of the agenda. The LHA raise no objection to the impact of the capacity of the additional traffic on the local road network, subject to conditions, which includes a contribution towards future improvements of the Wootton Gap junction.

The issue of density is discussed on pages 34 and 35; the NPPF promotes the efficient use of land and such low density (5 per acre) would not be compliant with policy requiring the more effective use of land. Drainage matters are considered at pages 41 – 43 of the agenda and planning conditions would secure the provision of the drainage in a phased manner (see recommended condition 18). Infrastructure issues, including the provision of health services, are considered on page 52 of the agenda but are not reasons for the refusal of the application.

Condition 41 refers that no development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the LPA in writing. This includes details of site investigation and reporting, post investigation reports, analysis, reporting and archiving etc., as WSIs include such matters Condition 42 refers that no development shall take place other than in accordance with the WSI. Condition 43 refers that no more than 50 dwellings shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out within the WSI. However, it is considered that the site investigation and post investigation assessment is already covered through condition 41 and a timetable for the analysis, publication and dissemination of results and archive deposition can be agreed under condition 41. Accordingly condition 43 is not necessary.

On the issue of the provision of school land to allow for future school extension it is not proposed that this is to be provided within this application site. This will be expected to be provided on land that is closest to the school, i.e. the parcel of land within the ownership of NCC.

The results of the updated Extended Phase 1 Ecological Report are noted. No changes are

requested as a result of this update.

CORRECTIONS

Page 17 – replace ‘Anglia Water’ with ‘Anglian Water’

Page 54 – Condition 5 – insert words ‘that phase of’ after ‘...proposed streets within’ to read:

Condition 5: No more than 25 dwellings in any one phase shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The streets in that phase shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act (1980) or a Private Management and Maintenance Company has been established.

Page 57/58 – Condition 18 - Additional wording proposed at the end to make reference to mitigation measures within the FRA, to read:

‘VIII. Final details of the flood risk mitigation measures referred to within the submitted FRA.’

Page 60 – Condition 27 – amend wording to read:

Condition 27: In respect to the residential element of the development hereby approved, this shall be limited to no more than 450 residential units.

Page 63 – Condition 38 – insert ‘(s) to ‘road’, ‘link’ and ‘road’ and ‘/have’ to read:

Condition: Any layout shall make provision for a link road(s) to be constructed and made freely available for use by pedestrian and vehicular traffic leading up to the eastern boundary of the site to provide a future link(s) through to land adjacent to the school. The road shall be fully implemented no later than the commencement of the 75th dwelling on the site. Thereafter no dwelling shall be occupied until the said road(s) has/have been completed to the written satisfaction of the Local Planning Authority.

Page 64 – delete condition 43

Item Number 8/1(b)

Third Party: ONE additional letter from the agents for the Knight Hill application regarding (summarised):

- The Highways Impact Assessment that has been carried out by the local Highways Authority in respect of the Hall Lane sites and the Knights Hill application finds that the combined impacts of the two developments can be mitigated through the improvements described within the LHA’s consultation response (i.e. the lengthening of the approach lanes on Grimston Road). The LHA has concluded that if all three applications (i.e. the two at Hall Lane and our application at Knights Hill) make proportional contributions to the identified improvements works the cumulative impact can be suitably mitigated.
- While we note that the LHA are happy with the proposed mitigation package we have not seen the raw data. If the Hall Lane applications are approved ahead of the Knights Hill application it is clearly important that the additional development that is proposed in the Hall Lane application, over and above the committed/allocated quantum of development, can also be suitably mitigated, in addition to the committed development at Knights Hill.
- The two Hall Lane applications seek permission for a total of 575 dwellings as well as a public house, employment and a larger retail facility (of up to 2500m²). This compares to the allocation which refers to a minimum of 300 dwellings being provided as well as

small scale employment uses and local retail facilities.

- The promoters of the Knights Hill application have no objections to the additional development being proposed at Hall Lane providing the additional vehicle movements generated have been clearly assessed and can be accommodated on the highway in addition to the other committed development in the area, namely at Knights Hill.

Agent: Submitted an amended plan showing a revised point of access onto Nursery Lane and line of estate road avoiding the removal of the protected oak tree.

Highways Authority: The revised access looks generally acceptable, although I would prefer to see the initial section of road straight for 20m and the bend with a 30m radius, instead of 15m and R20m as shown. This should still be possible whilst avoiding the tree, although I note the extent of RPZ has not been shown, so it is difficult to be completely certain.

Arboricultural Officer: No objection to the amended plan showing the revised access and road layout.

Agent: Submitted an updated Extended Phase 1 Ecological Report. The Updated Extended Phase 1 field Survey was undertaken on 7th December 2018. No significant changes were identified on site from that previously completed in 2016 and therefore the species reports are still considered by the ecology consultant to be valid.

Local Planning Authority: Supporting Statement - Habitats Regulations – Appropriate Assessment:

The LPA has undertaken an Appropriate Assessment to consider the impact on the integrity of the Natura 2000 sites of the project, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts

The Appropriate Assessment concludes:

'The submitted application forms part of the wider allocation for at least 300 dwellings in the Site Allocations and Development Management Policies Plan (SADMPP), which is part of the Development Plan for the area. The plan and its policies have been subject to Habitats Regulations Assessment. This particular application proposes a scheme for 125 dwellings on part of the allocated site, which is larger in terms of numbers (policy requires at least 300) than initially envisaged in the SADMPP. Taken cumulatively the overall allocated site numbers, including the site to the south (known as the Larkfleet application), amount to 575 dwellings.

The submitted application incorporates a significant area of open space within the site, with 1.08ha of open space (almost 20% of the site) proposed. In addition, it will link to the larger site to the south, which has a significant area of public open space along its western boundary.

These areas of open space are planned into the proposal therefore not only provide areas for drainage, landscaping and recreation but are also designed to be attractive to dog walkers, presenting opportunity to offer the mitigation to the Natura 2000 sites.

As referred to above, the Screening Report sets out a list of mitigation measures which will ensure the development will not have significant effects on the Natura 2000 sited. It is considered these elements can be secured through planning condition or legal agreement and will sit alongside the mitigation measures achieved through the payment of the Habitat Mitigation Tariff.

Accordingly, subject to the development incorporating additional recreational provision in the form of informal open space or dog walking facilities in addition to the list of measures referred to at paragraph 1.30 and the applicant agreeing to undertake the appropriate mitigation measures as set out in the Natura 2000 Sites Monitoring and Mitigation Strategy with specific regard to the Habitat Mitigation Tariff, it is considered that the impacts upon the Natura 2000

sites can be mitigated to a sufficient degree for it to be ascertained that the proposal would not adversely affect the integrity of the sites, and permission may be granted.'

The full Appropriate Assessment is attached to this late correspondence for information.

Assistant Director's comments:

The application has been supported by a Transport Assessment and Highways issues are already considered at pages 38 – 40 of the agenda. The LHA raise no objection to the impact of the capacity of the additional traffic on the local road network, subject to conditions, which includes a contribution towards future improvements of the Wootton Gap junction.

The revised vehicle access point that avoids the loss of the protected tree is welcomed. It demonstrates that access arrangements can be made to standard whilst retaining the tree.

Condition 14 requires the submission of detailed drawings of the precise access arrangements to be submitted to and approved in writing prior to the commencement of works on site. Given the response about their preference from the Highways Authority regarding the angle and radius of the initial section of road it is recommended that this condition be retained.

The results of the updated Extended Phase 1 Ecological Report are noted. No changes are requested as a result of this update.

CORRECTIONS

Condition 12: Remove the words 'off-site' as most of this stretch of Public Footpath FP3 is within the site boundary. Amend condition 12 to read as follows:

12. Condition: Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the highway improvement works to include:

- Realignment of Nursery Lane in connection with the access into the site
 - Improvements to the Public Right of Way South Wootton FP3
- have been submitted to and approved in writing by the Local Planning Authority.

Condition 13: Remove reference to 'off-site' and amend reference to condition 13 to read condition 12 as follows:

13. Condition: Prior to the first occupation of the development hereby permitted the highway improvement works (Including Public Rights of Way works) referred to in Condition 12 shall be completed to the written satisfaction of the Local Planning Authority.

Appendix 1 – Appropriate Assessment for the Larkfleet site

Habitats Regulations – Appropriate Assessment

Application 1701151/OM Outline Application: Outline Major Application: Sustainable mixed-use urban extension comprising: up to 450 dwellings, a mixed use local centre comprising Class A uses (including retail facilities and public house) and Class D1 (such as creche/day centre/community centre) and B1 uses (such as offices), open space and landscaping, wildlife area, children’s play areas, sustainable urban drainage infrastructure, access and link road and associated infrastructure - Land NW of South Wootton School Off Edward Benefer Way King's Lynn Norfolk (Larkfleet site)

1 Background

1.1 The Conservation of Habitats and Species Regulations 2017, commonly referred to as ‘The Habitats Regulations’, transpose the European Union Habitats Directive on the conservation of natural habitats and of wild fauna (92/43/EEC) into national law and sets out the provisions for the protection and management of habitats and species of European importance.

1.2 The Habitats Regulations require a Competent Authority (for planning decision this is the Local Planning Authority) to make an Appropriate Assessment of the implications of a plan or project which is likely to have a significant impact on European (or Natura 2000) sites and is not directly connected with or necessary to the management of those sites.

1.3 In the context of The Habitats Regulations, European sites comprise:

- Special Areas of Conservation (SAC) and candidate Special Areas of Conservation (cSAC), which are designated under the Habitats Directive
- Special Protection Areas (SPA) and potential Special Protection Areas (pSPAs) classified under the ‘Birds Directive’ (2009/147/EC); and
- Ramsar sites – although not included within the Habitats Regulations definition of European sites, government policy requires Ramsar sites to be given the same protection as European sites.

1.4 The Habitats Regulations provide for the control of potentially damaging operations, whereby consent for a plan or project may only be granted once it has been shown, through the Habitats Regulations Assessment process, that the proposed operation will not adversely affect the integrity of the site either individually or in-combination with other plans or projects.

1.5 When considering potentially damaging operations, the Competent Authority must apply the precautionary principle i.e. consent cannot be given unless it is ascertained that there will be no adverse effect on the integrity of the site with regard to the site’s conservation objectives.

1.6 HRA: Key Stages

i) Stage 1: Screening for Likely Significant Effect - screening to identify whether a plan is likely to have a significant effect on a European Site.

ii) Stage 2: Appropriate Assessment and ascertaining the effect on site integrity - where likely significant effects have been found, appropriate assessment of the development to ascertain whether it has an adverse effect on the integrity of the European site.

iii) Stage 3: Procedures where Significant Effect on the Integrity of International Sites Remains - consideration of mitigation measures and alternative solutions where adverse effects on the integrity of a European site have been identified.

1.7 The recent European Court of Justice (ECJ) Ruling in the People Over Wind/Sweetman case (ref: C-323/17, April 2018) confirmed that mitigation should not be taken into account at the Stage 1 screening stage, rather that details of mitigation for any project where there is a risk of significant effects on a European Site, must be detailed in information to support an Appropriate Assessment carried out by the Competent Authority.

Stage 1: Screening for Likely Significant Effect

1.8 The application site is not within but is within proximity to the following international designations:

- Dersingham Bog SAC / Ramsar / SCI / cSAC, approximately 8.8km (by road) due north east
- Roydon Common SAC / Ramsar / SCI / cSAC, approximately 3.6km (by road) due east
- The Wash and North Norfolk Coast SAC, approximately 17km (by road) due north
- The Wash SPA and Ramsar, approximately 17km (by road) due north

1.9 This site is part of a wider housing allocation for South Wootton under Policy E3.1 of the Site Allocations and Development Management Policies Plan 2016 (SADMPP), with the policy requiring at least 300 dwellings on 40ha. The Habitats Regulations Assessment (HRA) carried out to inform the site/policy selection process for the SADMPP concluded that this project, due to its cumulative impact with other large housing allocations, would likely have a significant effect on Dersingham Bog Ramsar, Special Area of Control and Special Protection Area and Roydon Common Ramsar, Special Area of Control Special Protection Area. (Although the Wash Special Protection Area is closer to the site, this was not judged likely to be adversely affected by the planned development at South Wootton), would be carried out at the Appropriate Assessment stage. However it is of note that this application proposes 450 dwellings, and taken in combination with the adjacent site to the north, there are 575 dwellings proposed.

1.10 The applicant has submitted a project level Habitat Regulations Assessment Ecological Screening Report to identify the likely impacts upon a Natura 2000 site of the project, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant.

- 1.11 The Ecological Screening Report considered the potential effect of the proposed development in terms of habitat loss or habitat degradation. It considered the reasons why the Natura sites were important, their characteristics and designated features. It then considered the potential impacts of the proposed development upon the designated features in terms of increased population and increased visitor levels, associated increased levels of domestic pets and harm to the sites through increased activity, noise and lighting etc.
- 1.12 The finding of the Ecological Impact Assessment is that the development will need to include a number of provisions in order to work with and improve the ecology in the area. These include a dedicated wildlife area, the retention of trees and hedgerows and substantial areas of open space with a network of footpaths, dedicated dog walking areas and information boards.
- 1.13 The Ecological Screening Report concluded that, subject to mitigation there will be no adverse effects on the interest features of the surrounding European protected sites. It stated that no adverse effects on the integrity of any features of the European site were identified and as a result there is no need to consider further mitigation measures above and beyond those that will be set in the accompanying Ecological Impact Assessment in support of this application.
- 1.14 However, the project level Ecological Screening Report was submitted prior to the EC judgement in April 2018 and the local planning authority in accordance with that judgement, considers that an Appropriate Assessment is required.

Stage 2: Appropriate Assessment

- 1.15 This requires the consideration of the impact on the integrity of the Natura 2000 sites of the project, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts;

Q1. Is the proposal directly connected with or necessary to site management for nature conservation?

- 1.16 The proposal is in outline for the construction of up to 450 dwellings, a neighbourhood centre and associated infrastructure and is not directly connected with or necessary for the site management of any nature conservation sites.

Q2. Is the proposal likely to have a significant effect on the internationally important interest features of the site, alone or in combination with other plans or projects?

- 1.17 The site is approximately 17km (by road) from the Wash SPA/Ramsar site and North Norfolk Coast SPA. Roydon Common SAC is located approximately 3.9km (by road) due east of the application site, with Dersingham Bog located approximately 8.8km (by road) to the north.

- 1.18 The site has been considered as part of the Local Plan works in connection with the Site Allocation & Development Management Policies Plan and is

covered by Policy E3.1. It features in the Borough-wide HRA of Detailed Policies and Site Plan (updated September 2015). This document was produced to inform the Site Allocations and Development Management Policies Development Plan Document (SADMPP).

- 1.19 This borough wide Habitats Regulations Assessment (HRA) takes into account comments received from Natural England and the RSPB on the previous HRA undertaken for the Preferred Options stage, and comments received from these and other parties (including Norfolk Wildlife Trust) at the submission stage. The SADMPP forms part of a hierarchical process and adds detail to the policies from the Core Strategy (adopted in July 2011). The SADMP forms part of the Local Plan (along with the existing Core Strategy) for the Borough. The Core Strategy was subject to a Habitats Regulations Assessment to ensure no adverse effects of the policies on sites within the European nature protection area network (Natura 2000); i.e. SACs and SPAs.
- 1.20 The HRA document considers the potential effects of the site-specific policies and allocations on designated sites of European importance. The site the subject of this application has therefore been assessed through this Borough wide HRA. However, this application (450 dwellings) and the neighbouring Bowbridge application (125 dwellings) provide for 575 dwellings across the sites, which is above the at least 300 dwellings stated in the policy. This emphasises the need for a separate assessment.
- 1.21 'Potential effects' on the internationally important interest features of the protected sites were considered to arise from loss of supporting habitats, habitat fragmentation, non-specific proximity impacts, increased recreation and leisure pressures, increased use of roads, and the cumulative recreational impacts on sites arising from multiple housing allocations.
- 1.22 By far the most important of these, in a borough-wide context, was considered to be the multi-faceted and complex impacts arising from increased recreation and leisure pressures on European sites. These were considered in some detail, and the best available evidence was used to inform the assessment. This indicated that visitors likely to cause greatest impacts were those local site users, in particular those exercising dogs. Impacts were predicted to be greatest where local users were within comfortable walking distance of European sites (estimated to be 1km), and would also occur where sites were in a reasonable range of driving (estimated to be around 8km or 5 miles).
- 1.23 While the effects of individual allocations for housing were considered not to give rise to Likely Significant Effect, a more substantial effect was predicted when the in-combination effects of groups of new housing allocations within range of the European sites were considered.
- 1.24 With regard to this application site the submitted HRA Ecological Screening Report concludes the following:

Mitigation during construction

- 1.25 The construction impacts of the proposed development on the European nature conservation sites can be considered to be negligible due to the distance between these wildlife sites and the site and the lack of any specific direct

ecological connectivity. No direct mitigation for construction impacts are proposed for these sites.

Mitigation during operation

- 1.26 In the absence of mitigation, the operational phase of the proposed development is considered likely to have a significant negative effect on these sites (Dersingham Bog and Roydon Common SAC/cSAC/Ramsar/SSSI, The Wash and North Norfolk Coast SAC, The Wash SPA/Ramsar/SSSI) due to potential increased recreational pressure.
- 1.27 The supporting HRA Screening Report for this application (Ref:16-2213) includes a detailed review of the extent of this potential increase in usage based upon an assessment of projected increases in visitor numbers based upon fulfilment of the existing housing allocations for the King's Lynn and West Norfolk District.
- 1.28 Based on this analysis, users of the site most likely to have a significant impact upon adjoining European Protected Sites, were identified to be dog walkers in relation to Dersingham Bog and Roydon Common, and 'day-trippers' usually comprising of families with children visiting The Wash SPA, and The Wash and North Norfolk Coast SAC.
- 1.29 Specific mitigation designed to minimise these impacts, and ensure no significant likely effects on these sites includes a series of generic and specific mitigation measures.
- 1.30 These generic measures to minimise recreational pressures on these sites, as informed by the desk study completed as part of the HRA Screening Report and existing allocation policy for the proposed development (Policy E3.1) include:
 - Preparation and dissemination of information leaflets to be issued to all new residents. Leaflets will include information detailing the sensitivity of European Sites and specific measures to follow if accessing these sites (e.g. following the Countryside Code, requirement to keep dogs on leads). The leaflets will also provide a map indicating the location of alternative recreational spaces (e.g. Lynnsport facility to the south, Open Access and Common Land to the north) with specific reference to those sites with dog walking facilities and car parking.
 - Inclusion of interpretation signage within areas of formal public space and along the boundary of the Nature Conservation Area. Interpretation signage to detail ecological sensitivity of the local area including key local species sensitive to disturbance (e.g. ground nesting birds), as well as habitats and species of note (e.g. hedgehog and barn owl).
 - Signage at key footpath junctions on site, providing directions to areas of alternative Public Open Space and relevant key Green Infrastructure nodes located in walking distance from the site.
 - Establishment of dedicated cycle routes through the Proposed Development linking to National Cycle Network Route 1 located to the south
 - Creation of a significant area of dedicated, high quality open space in the western part of the development occupying c.30% of the total Site area. Space to include areas of formal recreational space and a dedicated Nature

Conservation Area, so as to provide an accessible location for new residents to learn about the Ecology of the local area, without causing significant disturbance to sites of higher conservation importance.

- Payment of the £50 Habitat Mitigation Tariff for specific projects. Based on 450 dwellings this would contribute £22,500 towards this.

1.31 Specific mitigation measures to minimise recreational impacts upon Dersingham Bog and Roydon Common, with reference to dog walkers include:

- Creation of two separate dedicated dog walking routes within the Proposed Development. These two routes are indicated on the Masterplan, and include separate loops of varying lengths (approx. 1.6km/1 mile and 2.4km/1.5 miles). The shorter route would be located entirely within Public Open Space to the west to provide a visually interesting back drop and encourage repeat usage.
- Dedicated dog walking routes to include way marker posts (to ease usage) and dog waste bins (reduce conflict with other users of open space), with routes included within leaflets to be issued to new residents. Dog walking routes to support surfaces for all-year round usage.
- General interpretation signage to tie in with these dedicated dog walking routes. Signage to make reference to negative effects dogs can have on species sensitive to disturbance (e.g. nesting birds), with wider site signage designed to guide dog users along other suitable dog walking routes and to sites located outside of the proposed development.
- As part of pre-application discussions, the presence of public accessible Common Land ('The Gongs') located approximately 750m north of the Site has been identified. This area of land may also provide additional recreational space for dog walkers and other users of the site. Based on the wintering bird survey information collected to date, the land does not appear to be Functionally Linked Land (FLL) for The Wash SPA and so it is proposed that leaflets to be provided to new residents will make reference to this area including existing public rights of way which link the site to these areas of common land. Onsite signage will also include reference to this area. As for other areas in the local vicinity, interpretation material will advise potential users of the requirement to observe the Countryside Code and consider the presence of other species and users in the local area when accessing this Open Access/Common Land.

1.32 Specific mitigation measures to minimise recreational impacts upon The Wash and North Norfolk Coast SAC and The Wash SPA and Ramsar, with specific reference to 'day trippers' identified as the most likely cause of recreational pressure on these sites include:

- Inclusion of additional dedicated outdoor play areas for these users. The locations of these areas are shown on the Masterplan and are evenly distributed across the proposed development and will be tailored to provide play opportunities for families. Where applicable play areas will provide appropriate information accessible to all ages, detailing the ecological importance of the proposed development site, and adjoining European Protected Sites.

- The leaflets to be issued to new residents will include specific reference to potential day trip locations of lower ecological sensitivity to families. Leaflets will also make reference to locations within European Protected Sites which have specific capacity for families.
- 1.33 The HRA considers that there would possibly be in-combination effects on Natura 2000 sites from the collective allocated sites including the remainder of the land north and south of the Site Allocation within Policy E3.1 and the Knights Hill site (Site Allocation Policy E4). However, each of these sites proposes compensation measures to minimise potential impacts upon Natura 2000 sites through the provision of new areas of on-site accessible green space and improved access to adjoining areas. They are also agreeable to the payment of the Habitat Mitigation Tariff as well as liable for CIL. The Knights Hill application in particular will need be to the subject of Appropriate Assessment separately, although with regards in-combination impacts, at this stage it is noted that the Knights Hill development is very close to the anticipated numbers set out in the SADMPP allocation, and also it is in much closer proximity to the Dersingham Bog and Roydon Common SAC/cSAC/Ramsar/SSSI than the Hall Lane allocation.
 - 1.34 Based on the implementation of the mitigation proposed across the two Hall Lane sites, including the provision of additional areas of publicly accessible green space, as well as visitor, and in particular dog walking mitigation measures proposed for both sites, the two allocations in-combination are considered unlikely to give rise to significant adverse effects on adjoining Natura 2000 sites.
 - 1.35 Further, the payment of the Habitat Mitigation Tariff, which will provide for funding of monitoring and small scale mitigation of impacts on European sites is actively administered by a Habitat Mitigation Advisory Panel, which advises the Borough Council on such measures and provides recommendations for the allocation of funds.
 - 1.36 This Strategy contributes to safeguarding the integrity of European sites within, and adjacent to the Borough boundary and is monitored and reviewed to ensure the effectiveness of the identified measures. Partnership working is a key component of the Strategy and the Borough Council continues to pursue a joined up approach with all relevant authorities, organisations and site owners with responsibility for managing the designated European Sites.
 - 1.37 Accordingly, the Natura 2000 Sites Monitoring and Mitigation Strategy provides the required certainty that future developments will not result in adverse effects on European sites within the Borough. The implementation of this Strategy will ensure that any likely effects of the development of this residential development on the Natura 2000 sites will be avoided or mitigated against.
- Q3. Assess implications of the effects of the proposal for the site's conservation objectives, consult Natural England and, if necessary, the public.**
- 1.38 Consideration has been given to the in-combination effects of recreational pressure on the Wash SPA/Ramsar site, the Wash and North Norfolk Coast

SAC, Dersingham Bog SAC / Ramsar / SCI / cSAC and Roydon Common SAC / Ramsar / SCI / cSAC identified through the screening process.

- 1.39 As stated above, the Borough implements a Habitat Mitigation Tariff for all new residential development. This funding secures the monitoring and small scale mitigation of impacts on European sites. The Habitat Mitigation Tariff is set at £50 per house (index linked) plus a £50 fee to cover legal and administration costs. The proposal for 450 houses would contribute £22,500 towards the monitoring and small scale mitigation of impacts on European sites.
- 1.40 The Habitat Mitigation Tariff and any funding generated through CIL would be used to ensure timely and efficient mitigation of the recreational pressures arising from new development. As referred to above, this is initiated through the Habitat Mitigation Advisory Panel, made up of representatives of bodies that have expertise in managing impacts on these habitats e.g. BCKLWN Officers, RSPB, Norfolk Wildlife Trust, Natural England, NCC, National Trust, Forestry Commission, Water Management Alliance and the Environment Agency. They make recommendations for projects and expenditure of monies and set priorities for future action to meet the requirement of the HRA.
- 1.41 It is considered that such mitigation measures, when implemented, will ensure that likely significant impacts identified in the HRA as a result of policies proposed in the SADMP document will be avoided or mitigated against.
- 1.42 Natural England has been consulted through the planning application process. They raise no objection subject to appropriate mitigation being secured.
- 1.43 Natural England are pleased with the green infrastructure outlined in the application and welcome the creation of open space occupying over 30% of the development, including a nature conservation area of 2.36ha. They also welcome the use of interpretive signage and leaflets to engage residents with the local landscape and wildlife and the provision of educational information about the sensitivity of designated sites. Natural England fully supports the creation of two onsite dog walking routes and the establishment of cycle routes that link to the National Cycle Network Route 1.
- 1.44 Natural England welcomes the commitment of £50 per dwelling in line with the Kings Lynn and West Norfolk Monitoring and Mitigation Strategy.
- 1.45 Natural England considers the development should be considered cumulatively with the proposed adjacent development, Bowbridge for 130 properties (ref: 17/01106/OM) as well as the combined 700 properties proposed by Camland and Clayland at Knights Hill (ref: 16/0223/OM), which has been done.
- 1.46 Although they have not raised objection, Natural England commented that the mitigation proposed may not sufficiently prevent recreational impact on Roydon Common and Dersingham Bog SAC. They consider that a low warden presence on these sites means that mitigation against increased recreational pressure is limited and not as sufficient as the submitted HRA indicates. Natural England would welcome a financial contribution in addition to the Mitigation Tariff to increase warden presence to mitigate the SAC against recreational disturbance. However, it is considered that the comprehensive list

of site specific mitigation measures and the payment of the Habitats Mitigation Tariff, which already supports the improvement, replacement, operation or maintenance of European site mitigation non-infrastructure measures projects including the wardening of these areas, either addresses or presents opportunity for any specific or identified areas of concern to be addressed through these means. Accordingly as the determining authority, this last comment from Natural England is not agreed with, and not necessary for the purposes of preventing adverse impacts on the integrity of the protected sites.

1.47 Public consultation has been undertaken through the planning application process. Norfolk Wildlife Trust made comments similar to those made by Natural England, and the above comments also cover their response but otherwise no other comments relating to European sites have been made by statutory consultees.

Q4. Can it be ascertained that the proposal will not adversely affect the integrity of the site(s)?

1.48 Yes – see response to Q.2.

Q5. Would compliance with conditions or other restrictions, such as planning conditions, enable it to be ascertained that the proposal would not adversely affect the integrity of the site?

1.49 Yes, conditions / legal agreement re: Habitat Mitigation Tariff and incorporation of dog walking route and high level of open space within the site – see response to Q.2.

Q6. Are there alternative solutions that would have a lesser effect or avoid an adverse effect on the integrity of the site(s)?

1.50 N/A – see response to Q.2.

Q7. Might a priority habitat or species on the site be adversely affected by the proposal?

1.51 No.

Q8. Are there imperative reasons of over-riding public interest relating to human health, public safety or benefits of primary importance to the environment?

1.52 No.

Conclusion

1.53 The submitted application forms part of the wider allocation for at least 300 dwellings in the Site Allocations and Development Management Policies Plan (SADMPP), which is part of the Development Plan for the area. The plan and its policies has been subject to Habitats Regulations Assessment. This particular application proposes a scheme for 450 dwellings on the majority of the allocated site, which is larger in terms of numbers (at least 300) than initially envisaged in the SADMPP. Taken cumulatively the overall allocated site numbers, including the site to the north (known as the Bowbridge application), amount to 575 dwellings.

1.54 It is of note that the proposed application incorporates large areas of open space on the western part of the site. 12.5ha of open space on this site alone (approximately 40% of the site) is proposed which includes large areas of natural green space and other space designed to be attractive to recreational users, especially dog walkers. This part of the site offers benefits in terms of drainage and ecological aspects but also presents itself as a substantial opportunity to enhance areas of biodiversity within the proposal through the creation of a segregated wildlife area. These areas planned into the proposal therefore not only provide areas for drainage, landscaping and ecology but also present opportunity to offer a substantial level of mitigation for the Natura 2000 sites.

1.55 As referred to above, the Ecological Screening Report sets out a list of mitigation measures which will ensure the development will not have significant effects on the Natura 2000 referred to. It is considered these elements can be secured through planning condition or legal agreement and will sit alongside the mitigation measures achieved through the payment of the Habitat Mitigation Tariff.

1.56 Accordingly, subject to the development incorporating additional recreational provision in the form of informal open space or dog walking facilities in addition to the list of generic and specific measures referred to at paras 1.30 and 1.31, and the applicant agreeing to undertake the appropriate mitigation measures as set out in the Natura 2000 Sites Monitoring and Mitigation Strategy with specific regard to the Habitat Mitigation Tariff, **it is considered that the impacts upon the Natura 2000 sites can be mitigated to a sufficient degree for it to be ascertained that the proposal would not adversely affect the integrity of the sites, and permission may be granted.**

Appendix 2 – Appropriate Assessment for the Bowbridge Site

Habitats Regulations – Appropriate Assessment

Application 17/01106/OM - Outline Application Some Matters Reserved: Residential Development for up to 125 dwellings together with associated works on Land on the West Side of Nursery Lane South Wootton Norfolk (Bowbridge site)

1 Background

- 1.1 The Conservation of Habitats and Species Regulations 2017, commonly referred to as ‘The Habitats Regulations’, transpose the European Union Habitats Directive on the conservation of natural habitats and of wild fauna (92/43/EEC) into national law and sets out the provisions for the protection and management of habitats and species of European importance.
- 1.2 The Habitats Regulations require a Competent Authority (for planning decision this is the Local Planning Authority) to make an Appropriate Assessment of the implications of a plan or project which is likely to have a significant impact on European (or Natura 2000) sites and is not directly connected with or necessary to the management of those sites.
- 1.3 In the context of The Habitats Regulations, European sites comprise:
 - Special Areas of Conservation (SAC) and candidate Special Areas of Conservation (cSAC), which are designated under the Habitats Directive
 - Special Protection Areas (SPA) and potential Special Protection Areas (pSPAs) classified under the ‘Birds Directive’ (2009/147/EC); and
 - Ramsar sites – although not included within the Habitats Regulations definition of European sites, government policy requires Ramsar sites to be given the same protection as European sites.
- 1.4 The Habitats Regulations provide for the control of potentially damaging operations, whereby consent for a plan or project may only be granted once it has been shown, through the Habitats Regulations Assessment process, that the proposed operation will not adversely affect the integrity of the site either individually or in-combination with other plans or projects.
- 1.5 When considering potentially damaging operations, the Competent Authority must apply the precautionary principle i.e. consent cannot be given unless it is ascertained that there will be no adverse effect on the integrity of the site with regard to the site’s conservation objectives.
- 1.6 HRA: Key Stages
 - i) Stage 1: Screening for Likely Significant Effect - screening to identify whether a plan is likely to have a significant effect on a European Site.

ii) Stage 2: Appropriate Assessment and ascertaining the effect on site integrity - where likely significant effects have been found, appropriate assessment of the development to ascertain whether it has an adverse effect on the integrity of the European site.

iii) Stage 3: Procedures where Significant Effect on the Integrity of International Sites Remains - consideration of mitigation measures and alternative solutions where adverse effects on the integrity of a European site have been identified.

1.7 The recent European Court of Justice (ECJ) Ruling in the People Over Wind/Sweetman case (ref: C-323/17, April 2018) confirmed that mitigation should not be taken into account at the Stage 1 screening stage, rather that details of mitigation for any project where there is a risk of significant effects on a European Site, must be detailed in information to support an Appropriate Assessment carried out by the Competent Authority.

Stage 1: Screening for Likely Significant Effect

1.8 The application site is not within but is within proximity to the following international designations:

- Dersingham Bog SAC / Ramsar / SCI / cSAC, approximately 5.5km north east (or approximately 8.8km by road)
- Roydon Common SAC / Ramsar / SCI / cSAC, approximately 3.6km due east
- The Wash and North Norfolk Coast SAC, approximately 3.8km to the northwest (approximately 17km by road)
- The Wash SPA and Ramsar, approximately 3.8km to the northwest (approximately 17km by road)

1.9 This site is part of a wider housing allocation for South Wootton under Policy E3.1 of the Site Allocations and Development Management Policies Plan 2016 (SADMP), with the policy requiring at least 300 dwellings on 40ha. The Habitats Regulations Assessment (HRA) carried out to inform the site/policy selection process for the SADMP concluded that this project, due to its cumulative impact with other large housing allocations, would likely have a significant effect on Dersingham Bog Ramsar, Special Area of Control and Special Protection Area and Roydon Common Ramsar, Special Area of Control Special Protection Area. (Although the Wash Special Protection Area is closer to the site, this was not judged likely to be adversely affected by the planned development at South Wootton). However it is of note that this application proposes 125 dwellings, and taken in combination with the adjacent site to the north, there are 575 dwellings proposed.

1.10 The applicant has submitted a project level Habitat Regulations Assessment Stage 1 (Screening) Report to identify the likely impacts upon a Natura 2000 site of the project, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant.

- 1.11 The Screening Report considered the potential effect of the proposed development in terms of habitat loss or habitat degradation. It considered the reasons why the Natura sites were important, their characteristics and designated features. It then considered the potential impacts of the proposed development upon the designated features in terms of increased population and increased visitor levels, associated increased levels of domestic pets and harm to the sites through increased activity, noise and lighting etc.
- 1.12 The finding of the Ecological Impact Assessment is that the development will need to include a number of provisions in order to work with and improve the ecology in the area. These include a dedicated wildlife area, the retention of trees and hedgerows and substantial areas of open space with a network of footpaths, dedicated dog walking areas and information boards.
- 1.13 The Screening Report concluded that, subject to full implementation, mitigation measures are considered sufficient to assist in reducing disturbance of surrounding European Sites to a level whether in isolation or in-combination with other developments in the local area they are unlikely to cause a significant impact. The proposed development at the application site will therefore not result in a likely significant effect on the interest features of any European site.
- 1.14 However, the project level Ecological Screening Report was submitted prior to the EC judgement in April 2018 and the local planning authority in accordance with that judgement, considers that an Appropriate Assessment is required.

Stage 2: Appropriate Assessment

- 1.15 This requires the consideration of the impact on the integrity of the Natura 2000 sites of the project, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts;

Q1. Is the proposal directly connected with or necessary to site management for nature conservation?

- 1.16 The proposal is in outline for the construction of up to 125 dwellings and associated infrastructure and is not directly connected with or necessary for the site management of any nature conservation sites.

Q2. Is the proposal likely to have a significant effect on the internationally important interest features of the site, alone or in combination with other plans or projects?

- 1.17 The site is approximately 17km (by road) from the Wash SPA/Ramsar site and North Norfolk Coast SPA. Roydon Common SAC is located approximately 3.6km (by road) due east of the application site, with Dersingham Bog located approximately 8.8km (by road) to the north.
- 1.18 The site has been considered as part of the Local Plan works in connection with the Site Allocation & Development Management Policies Plan and is covered by Policy E3.1. It features in the Borough-wide HRA of Detailed

Policies and Site Plan (updated September 2015). This document was produced to inform the Site Allocations and Development Management Policies Development Plan Document (SADMPP).

- 1.19 This borough wide Habitats Regulations Assessment (HRA) takes into account comments received from Natural England and the RSPB on the previous HRA undertaken for the Preferred Options stage, and comments received from these and other parties (including Norfolk Wildlife Trust) at the submission stage. The SADMP forms part of a hierarchical process and adds detail to the policies from the Core Strategy (adopted in July 2011). The SADMP forms part of the Local Plan (along with the existing Core Strategy) for the Borough. The Core Strategy was subject to a Habitats Regulations Assessment to ensure no adverse effects of the policies on sites within the European nature protection area network (Natura 2000); i.e. SACs and SPAs.
- 1.20 The HRA document considers the potential effects of the site-specific policies and allocations on designated sites of European importance. The site the subject of this application has therefore been assessed through this Borough wide HRA. However, this application (125 dwellings) and the neighbouring Larkfleet application (450 dwellings) provide for 575 dwellings across the sites, which is above the at least 300 dwellings stated in the policy. This emphasises the need for a separate assessment.
- 1.21 'Potential effects' were considered to arise from loss of supporting habitats, habitat fragmentation, non-specific proximity impacts, increased recreation and leisure pressures, increased use of roads, and the cumulative recreational impacts on sites arising from multiple housing allocations.
- 1.22 By far the most important of these, in a borough-wide context, was considered to be the multi-faceted and complex impacts arising from increased recreation and leisure pressures on European sites. These were considered in some detail, and the best available evidence was used to inform the assessment. This indicated that visitors likely to cause greatest impacts were those local site users, in particular those exercising dogs. Impacts were predicted to be greatest where local users were within comfortable walking distance of European sites (estimated to be 1km), and would also occur where sites were in a reasonable range of driving (estimated to be around 8km or 5 miles).
- 1.23 While the effects of individual preferred options for housing were considered not to give rise to Likely Significant Effect, a more substantial effect was predicted when the in-combination effects of groups of new housing allocations within range of the European sites were considered.
- 1.24 With regard to this application site the submitted HRA Ecological Screening Report concludes the following:

Mitigation during construction

- 1.25 The Screening Report notes that best practice methods will be adopted on site to ensure that dust is controlled with regard to construction works on site, however, given the considerable intervening distance between the Proposed Development site and the nearest European protected site, and the adoption of best practice working methods in terms of dust management, air/dust pollution

generated as part of the construction phase is considered very unlikely to significantly impact upon surrounding European protected sites.

1.26 Similarly the policy HRA determined that effects of increased vehicular emissions linked to new developments assessed as part of the Regional Spatial Strategy were “not likely to adversely affect the integrity of European Sites”. Therefore the Proposed Development is considered unlikely to significantly affect the air quality of surrounding European protected sites.

1.27 Accordingly the construction impacts of the proposed development on the European nature conservation sites can be considered to be negligible due to the distance between these wildlife sites and the site and the lack of any specific direct ecological connectivity. No direct mitigation for construction impacts are proposed for these sites.

Potential effects

1.28 The Screening Report reported the following potential effects:

- No habitats listed as designating features for the four European protected sites included within this screening report are present within the proposed development boundary and will not therefore be directly affected.
- The closest European protected sites all support internationally important populations of birds and the submitted Screening Report focussed on this element with a detailed breeding bird survey. The survey findings confirmed that due to the dominance of arable land and intensively grazed pasture, no significant numbers of rare or declining birds utilise the site or adjacent fields during the breeding season.
- Four bird species: curlew, shelduck, oystercatcher and marsh harrier, were recorded present within the wider area. These four species are all listed within the citation for The Wash SPA and Ramsar but not within the citation for Roydon Common and Dersingham Bog SAC/SCI/cSAC.
- Suitable habitat for the above species will continue to be available locally. In addition, as part of the neighbouring application for the larger development off Hall Lane (the Larkfleet development) the creation of new areas of habitat is proposed within areas of public open space with the aim of providing future enhancement in terms of suitable foraging, nesting and overwintering opportunities for wetland birds, including priority and designating species.
- Two distinct types of pressure are associated with recreational visits to important biodiversity conservation sites: deterioration of habitats, and disturbance of species.
- Deterioration of sensitive habitats can result from, for example, traffic impacts, frequent trampling, climbing, horse riding, etc., eutrophication and nitrification through dog fouling, increased fly tipping and/or littering, or increased incidence of fires on heathland.
- Recreation can also result in habitat deterioration where the level or type of activity compromises the effectiveness of any on-site conservation management measures, for example uncontrolled dog access may distress, or directly harm grazing animals which may result in the degradation of the designating habitats on site.

- The extent to which increases in recreational use of each of the above sites would result in disturbance impacts is dependent upon a number of factors including:
 - The effects of disturbance on birds
 - The sensitive areas of the European sites
 - Distance of the proposed development from the respective European sites, and parking provision;
 - Available access points to the European sites
 - The times at which the birds / visitors use the European sites
 - Availability and accessibility of open space within the proposed development and local area
- The effects of disturbance on bird populations vary greatly between different species and also depend upon the size and characteristics of habitats and the availability of alternative sites.
- Sensitivity to disturbance also varies throughout the year, depending on the birds' specific activity at each location.
- The Borough Council Preliminary Habitats Regulations Assessment of Site Specific Species Policies document considered those sites within 1km of greatest risk to effects resulting from users entering on foot, whereas sites within 8km are most impacted by those arriving by car. The Proposed Development lies at least 3.6km from neighbouring European protected sites therefore the majority of any future visits originating from the completed development are likely to be by car.
- In summary, visitors to Roydon Common and Dersingham Bog tend to be local residents choosing to walk their dogs in this location. In contrast, day visitors to The Wash and North Norfolk Coast are more likely to be families, or small groups of adults.

1.29 Based on this analysis, users of the site most likely to have a significant impact upon adjoining European Protected Sites, were identified to be dog walkers in relation to Dersingham Bog and Roydon Common, and 'day-trippers' usually comprising of families with children visiting The Wash SPA, and The Wash and North Norfolk Coast SAC.

Mitigation

1.30 Specific mitigation designed to minimise these impacts, and ensure no significant likely effects on these sites include the following:

- The application proposals include 1.6ha of open space with new public footpaths including convenient dog-walking opportunities for the future residents of the application site, as well as the existing South Wootton residents.
- The accessible green infrastructure will incorporate the habitat corridor bounding the western, northern and eastern site boundaries, hence will provide options for circular routes for pedestrians around the site. This should reduce the desire to travel further afield, for example to the European sites.
- Pedestrian access will link the site to the larger development off Hall Lane which will provide generous further open greenspace totalling c.30% of the larger site and an above average allocation of dedicated play provision for

families relative to local planning policy requirements. This will include a Nature Conservation Area, and will encompass open areas for play as well as the less disturbed area for wildlife.

- Signage including educational information about local and regional sites of wildlife interest will be provided within both schemes, including specific references to relevant codes of conduct including the Countryside Code to be followed when visiting neighbouring European sites (e.g. dogs to be kept on leads and importance of remaining on footpaths to minimise the potential for trampling).
- Both schemes will provide information leaflets to new residents detailing locations to visit and codes of conduct to follow. These will reference alternative, publicly accessible green space reviewed in the Borough's Sports Recreation and Open Space Assessment as appropriate and include reference to neighbouring areas such as open access land suitable for dog walking, other formal recreational spaces (e.g. Lynn Sport), and more naturalistic sites nearby which have existing dog walking opportunities, such as Reffley Wood.
- The Proposed Development will link to dedicated, circular dog walking routes provided within the Hall Lane development and equipped with seating and dog bins, and to a dedicated network of informal and formal pedestrian footpaths and cycle routes (reducing pressure on dedicated dog walking routes).
- In conjunction with the Hall Lane scheme the Proposed Development will therefore provide convenient and accessible recreation options to minimise the likelihood of local residents of either development causing significant impacts on the surrounding European protected sites.

1.31 The Screening Report claims that the proposed population increase from the development will be marginal, stating that the application proposals are for a maximum of 130 (now 125) dwellings leading to a maximum predicted population of 299 residents. This represents an increase of 0.20% of the current King's Lynn and West Norfolk district population from 147,500 to 147,799; or an increase of 0.07% (to 437,107) of the population living within districts falling within 10km of the Wash and North Norfolk Coast sites.

1.32 With regard to in-combination effects the Screening Report refers to the series of mitigation measures which are proposed for the combined South Wootton developments (the proposed development and the adjacent Hall Lane development) to minimise potential impacts, which match or exceed those listed within the relevant Site Allocation Policy (E3.1). Based on the implementation of these measures, the Screening Report considers the proposed development is considered unlikely to give rise to significant effects, either in isolation or in combination with the Hall Lane development, with the residual impacts in terms of recreational dispersal considered also to be low.

1.33 Although the larger part of the allocation has been considered the Screening Report has not considered the likely in-combination effects with other development sites. Specifically the Knights Hill site, is currently under consideration for potentially up to 600 houses. However, the Knights Hill site proposes separate compensation measures to minimise potential impacts upon Natura 2000 sites through the provision of new areas of on-site accessible green space and improved access to adjoining areas. The applicant for this site

is also agreeable to the payment of the Habitat Mitigation Tariff as well as liable for CIL. The Knights Hill application will also need be to the subject of Appropriate Assessment separately, although with regards in-combination impacts, at this stage it is noted that the Knights Hill development is very close to the anticipated numbers set out in the SADMPP allocation, and also it is in much closer proximity to the Dersingham Bog and Roydon Common SAC/cSAC/Ramsar/SSSI than the Hall Lane allocation.

- 1.34 To provide direct assistance to the costs of managing recreational pressure across European sites within the District, particularly in relation to those sites in the local vicinity (Roydon Common and Dersingham Bog SAC), the Screening Report confirms that a contribution of £50 per dwelling will be provided towards management measures, which is a levy designed to mitigate impacts applicable to all qualifying developments across the King's Lynn and West Norfolk District. These funds are used to improve visitor access and management provision (e.g. car parking, nature trails and signage) and improve management of less accessible areas. As such the levy will therefore contribute towards a beneficial effect and assist in mitigating potential in-combination effects brought about by increased recreational pressure.
- 1.35 Based on the implementation of the mitigation proposed across the two sites, including the provision of additional areas of publicly accessible green space, as well as visitor, and in particular dog walking mitigation measures proposed for both sites, the two allocations in-combination are considered unlikely to give rise to significant adverse effects on adjoining Natura 2000 sites.
- 1.36 Further, the payment of the Habitat Mitigation Tariff, which will provide for funding of monitoring and small scale mitigation of impacts on European sites is actively administered by a Habitat Mitigation Advisory Panel, which advises the Borough Council on such measures and provides recommendations for the allocation of funds.
- 1.37 This Strategy contributes to safeguarding the integrity of European sites within, and adjacent to the Borough boundary and is monitored and reviewed to ensure the effectiveness of the identified measures. Partnership working is a key component of the Strategy and the Borough Council continues to pursue a joined up approach with all relevant authorities, organisations and site owners with responsibility for managing the designated European Sites.
- 1.38 Accordingly, the Natura 2000 Sites Monitoring and Mitigation Strategy provides the required certainty that future developments will not result in adverse effects on European sites within the Borough. The implementation of this Strategy will ensure that any likely effects of the development of this residential development on the Natura 2000 sites will be avoided or mitigated against.

Q3. Assess implications of the effects of the proposal for the site's conservation objectives, consult Natural England and, if necessary, the public.

- 1.39 Consideration has been given to the in-combination effects of recreational pressure on the Wash SPA/Ramsar site, the Wash and North Norfolk Coast

SAC, Dersingham Bog SAC / Ramsar / SCI / cSAC and Roydon Common SAC / Ramsar / SCI / cSAC identified through the screening process.

- 1.40 As stated above, the Borough implements a Habitat Mitigation Tariff for all new residential development. This funding secures the monitoring and small scale mitigation of impacts on European sites. The Habitat Mitigation Tariff is set at £50 per house (index linked) plus a £50 fee to cover legal and administration costs. The proposal for 125 houses would contribute £6,250 towards the monitoring and small scale mitigation of impacts on European sites.
- 1.41 The Habitat Mitigation Tariff and any funding generated through CIL would be used to ensure timely and efficient mitigation of the recreational pressures arising from new development. As referred to above, this is initiated through the Habitat Mitigation Advisory Panel, made up of representatives of bodies that have expertise in managing impacts on these habitats e.g. BCKLWN Officers, RSPB, Norfolk Wildlife Trust, Natural England, NCC, National Trust, Forestry Commission, Water Management Alliance and the Environment Agency. They make recommendations for projects and expenditure of monies and set priorities for future action to meet the requirement of the HRA.
- 1.42 It is considered that such mitigation measures, when implemented, will ensure that likely significant impacts identified in the HRA as a result of policies proposed in the SADMPP document will be avoided or mitigated against.
- 1.43 Natural England has been consulted through the planning application process. They raise no objection subject to appropriate mitigation being secured.
- 1.44 Natural England supports the provision of onsite open greenspace equating to a total of 26% of the total area and a circular dog walk with required furniture, including dog bins and seating, and connecting access to adjacent greenspace. They welcome the commitment of £50 per dwelling in line with the Kings Lynn and West Norfolk Monitoring and Mitigation Strategy.
- 1.45 Although they have not raised objection, Natural England commented that there should also be further information provided on the proposed programme of publicity to raise awareness of relevant environmental sensitivities and of alternative recreational opportunities, with regards to the proposed network of pedestrian routes and links to wider networks. For example, information leaflets to new residents detailing locations to visit, with reference to areas suitable for dog walking and other formal recreational spaces, may also help reduce disturbance to designated sites.
- 1.46 Accordingly they recommend that in order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:
 - Provision of on-site open space and circular walk with dog 'furniture'
 - Contribution of £50 per dwelling in line with the Kings Lynn and West Norfolk Monitoring and Mitigation Strategy
 - Provision of connecting access to existing rights of way and open space

- Provision of information to new residents informing them of locations for dog walking which are less sensitive than international sites.
- 1.47 The local planning authority is satisfied these matters can be covered through planning condition.
- 1.48 Public consultation has been undertaken through the planning application process. Norfolk Wildlife Trust made comments similar to those made by Natural England, but otherwise no other comments relating to European sites have been made by statutory consultees.

Q4. Can it be ascertained that the proposal will not adversely affect the integrity of the site(s)?

1.49 Yes – see response to Q.2.

Q5. Would compliance with conditions or other restrictions, such as planning conditions, enable it to be ascertained that the proposal would not adversely affect the integrity of the site?

1.50 Yes, conditions / legal agreement re: Habitat Mitigation Tariff and incorporation of dog walking route and high level of open space within the site – see response to Q.2.

Q6. Are there alternative solutions that would have a lesser effect or avoid an adverse effect on the integrity of the site(s)?

1.51 N/A – see response to Q.2.

Q7. Might a priority habitat or species on the site be adversely affected by the proposal?

1.52 No.

Q8. Are there imperative reasons of over-riding public interest relating to human health, public safety or benefits of primary importance to the environment?

1.53 No.

Conclusion

1.54 The submitted application forms part of the wider allocation for at least 300 dwellings in the Site Allocations and Development Management Policies Plan (SADMPP), which is part of the Development Plan for the area. The plan and its policies has been subject to Habitats Regulations Assessment. This particular application proposes a scheme for 125 dwellings on part of the allocated site, which is larger in terms of numbers (policy requires at least 300) than initially envisaged in the SADMPP. Taken cumulatively the overall allocated site numbers, including the site to the south (known as the Larkfleet application), amount to 575 dwellings.

1.55 The submitted application incorporates a significant area of open space within the sit, with 1.08ha of open space (almost 20% of the site) proposed. In

addition, it will link to the larger site to the south, which has a significant area of public open space along its western boundary.

- 1.56 These areas of open space are planned into the proposal therefore not only provide areas for drainage, landscaping and recreation but are also designed to be attractive to dog walkers, presenting opportunity to offer the mitigation to the Natura 2000 sites.
- 1.57 As referred to above, the Screening Report sets out a list of mitigation measures which will ensure the development will not have significant effects on the Natura 2000 sites. It is considered these elements can be secured through planning condition or legal agreement and will sit alongside the mitigation measures achieved through the payment of the Habitat Mitigation Tariff.
- 1.58 Accordingly, subject to the development incorporating additional recreational provision in the form of informal open space or dog walking facilities in addition to the list of measures referred to at paragraph 1.30 and the applicant agreeing to undertake the appropriate mitigation measures as set out in the Natura 2000 Sites Monitoring and Mitigation Strategy with specific regard to the Habitat Mitigation Tariff, **it is considered that the impacts upon the Natura 2000 sites can be mitigated to a sufficient degree for it to be ascertained that the proposal would not adversely affect the integrity of the sites, and permission may be granted.**