

Draft Policy LP24 Habitats Regulations Assessment (HRA) (Formerly part of DM19)

Link to draft policy and comments in full received from the draft consultation stage:

<https://west-norfolk.objective.co.uk/portal/lpr2019/lpr2019?pointId=s1542883629822#section-s1542883629822>

Consideration of issues:

The main issues raised by consultees were:

- The supporting text should reference the work/surveys of Footprint Ecology which indicate the importance of distance from the Protected Sites in determining the level of visitor pressure to be expected. In the case of settlements in the immediate vicinity of the Protected Site it seems unlikely that Suitable Alternative Natural Greenspaces (SANGs) will work as a mitigation measure. The importance of joint and cumulative impacts of development should be stressed (currently no mention of these). Need to make explicit that specific mitigation is needed to address the damage done by a specific project – it is not sufficient just to make general mitigation provisions.
- Natural England were concerned that the current amount of £50 per dwelling is not adequate at the Borough level and advised that the strategy be reviewed with the Local Plan. They would also like to see the European sites listed in the policy or supporting text.

The resulting changes recommended to the policy and supporting text are set out below.

Officer Recommendations to Task Group:

The Task Group is recommended to:

- 1) in the supporting text reference the work/surveys of Footprint Ecology and the Green Infrastructure (GI) and Recreational Impact Avoidance and Mitigation Strategy (RAMS);**
- 2) include a list of the European sites.**

Policy Recommendation:

Policy LP24 - Habitats Regulations Assessment (HRA)

In relation to Habitats Regulations Assessment (HRA) monitoring and mitigation the Council has endorsed a Monitoring and Mitigation Strategy including:

1. Project level HRA to establish affected areas (SPA, SAC, RAMSAR) and a suite of measures including all/some of:
 - a. provision of an agreed package of habitat protection measures, to monitor recreational pressure resulting from the new allocations and, if necessary, mitigate adverse impacts before they reach a significant threshold, in order to avoid an adverse effect on the European sites identified in the HRA. This package of measures will require specialist design and assessment, but is anticipated to include provision of:
 - i. a monitoring programme, which will incorporate new and recommended further actions from the Norfolk visitor pressure study (2016) as well as undertaking any other monitoring not covered by the County-wide study.
 - ii. enhanced informal recreational provision on (or in close proximity to) the allocated site [Sustainable Accessible Natural Greenspace], to limit the likelihood of additional recreational pressure (particularly in relation to exercising dogs) on nearby relevant nature conservation sites. This provision will be likely to consist of an integrated combination of:
 - A. informal open space (over and above the Council's normal standards for play space);
 - B. landscaping, including landscape planting and maintenance;
 - C. a network of attractive pedestrian routes, and car access to these, which provide a variety of terrain, routes and links to the wider public footpath network.
 - iii. contribution to enhanced management of nearby designated nature conservation sites and/or alternative green space;
 - iv. a programme of publicity to raise awareness of relevant environmental sensitivities and of alternative recreational opportunities.
 2. Notwithstanding the above suite of measures the Borough Council will levy an interim Habitat Mitigation Payment of £50 per house to cover monitoring/small scale mitigation at the European sites.
 3. The Borough Council anticipates using CIL receipts for contributing to green infrastructure provision across the plan area.

4. An HRA Monitoring and Mitigation and GI Coordination Panel oversees monitoring, provision of new green infrastructure and the distribution of levy funding.

Supporting Text

LP24 Habitats Regulations Assessment (HRA) (Formerly part of DM19)

Introduction

6.11.1 The 2016 Habitats Regulations Assessment (HRA) identified potential effects on designated European sites of nature conservation importance from additional recreational pressure. The need for monitoring and, where necessary, a package of mitigation measures, both on and off site, were identified to ensure no adverse effects on European sites.

6.11.2 Footprint Ecology consultants completed a comprehensive study of visitor surveys at European protected sites across Norfolk during 2015 and 2016. This was published in 2017. The report was commissioned by the Norfolk Biodiversity Partnership/Norfolk County Council on behalf of all the planning authorities in Norfolk. This new data that also takes into account adjacent authorities' visitor impact means that there is a much more reliable source of evidence to inform plan preparation and assess cumulative impact. The overall conclusion of the report was that growth would cause greater visitor disturbance and therefore proportional mitigation would need to be addressed through local authorities' plan documents.

6.11.3 The report by Footprint Ecology on visitor pressure also outlined mitigation proposals which included:

- Restrictions on the activities of dog walkers;
- Implement site and access management. The extent of these will need to be agreed amongst Natural England and the relevant local authorities;
- Closing or re-routing of unofficial paths;
- Permanent or seasonal restrictions and or closures of sites, or adoption of new fencing;
- Operation of new car parking areas to draw visitors away from heavily-used or vulnerable sites;
- Allocating further Sustainable Accessible Natural Greenspace (SANG); and
- Adoption of interpretation materials.

6.11.4 Broadland, Breckland, Great Yarmouth, King’s Lynn & West Norfolk, North Norfolk, Norwich City and South Norfolk Councils and the Broads Authority (together forming the Norfolk Strategic Planning Framework (NSPF)), commissioned Place Services in April 2019 to prepare a Green Infrastructure (GI) and Recreational Impact Avoidance and Mitigation Strategy (RAMS). This study will form part of the evidence base for each of the authorities’ Local Plans and provides the basis for future agreements through the NSPF.

6.11.5 King’s Lynn and West Norfolk includes all or part of 15 internationally designated sites; an additional 4 sites outside the district are also considered within the scope of the HRA process. The sites within the Borough are listed below in Table 1. There are also a number of marine sites in the area – The Greater Wash Special Protection Area (SPA); Inner Dowsing, Race Bank and North Ridge Marine Protected Area (MPA) Special Area of Conservation (SAC); Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ); North Norfolk Sandbanks and Saturn Reef SAC; Southern North Sea MPA (candidate cSAC); Haisborough, Hammond and Winterton MPA SAC; Outer Thames Estuary SPA. Whilst it is extremely unlikely that any of the Borough Council’s plans or projects will impact the qualifying features of these sites, they are still included in the HRA due to their status and sensitivity to change.

Table 1

SPA	SAC	Ramsar
Breckland	Breckland (adjacent to Breckland Council)	Dersingham Bog
The North Norfolk Coast	Norfolk Valley Fens	North Norfolk Coast
The Ouse Washes	Ouse Washes	Ouse Washes
The Wash	Roydon Common and Dersingham Bog	Roydon Common
	The Wash and North Norfolk Coast	The Wash
	River Wensum	

Relevant Local and National Policies

- National Planning Policy Framework: Conserving and enhancing the natural environment
- 25 year Environment Plan (2018)
- Strategic Policies:
 - LP17 Environmental Assets

- LP32 Community and Culture
 - LP05 Infrastructure Provision
- Green Infrastructure Strategy Stage 1 (2009) and Stage 2 (2010)
- Marine Policy Statement/East Marine Plan Policies:
 - BIO1-2 Biodiversity
 - ECO1 Cumulative Impacts
 - MPA1 Marine Protected Area
 - SOC3 Terrestrial and Marine Character

Sustainability Appraisal:

LP24 Habitats Regulation Assessment Policy

This policy is very similar, to the equivalent policy considered in the SADMP process and the sustainability appraisal of that. The proposed policy was assessed as having a positive effect. DM19 Green Infrastructure / Habitats Monitoring and Mitigation has been split across two policies as the topics whilst related are distinct.

LP24: Habitats Regulation Assessment																							
Policy	SA Objective:																				Overall Effect		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		+	-
LP24	++	0	++	+	+	0	0	++	++	0	++	++	0	++	++	++	0	+	0	+	+22	0	Likely Positive Effect +22
Draft LP24	++	0	++	+	+	0	0	++	++	0	++	++	0	++	++	++	0	+	0	+	+22	0	Likely Positive Effect +22
No Policy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Likely Neutral Effect

Appendix 1: Summary of Comments & Suggested Response:

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
Conservation Officer Norfolk Wildlife Trust	Support	We support the inclusion of this policy, which is necessary in order to demonstrate that the housing allocations in the plan will not result in an adverse effect on the internationally important wildlife sites in the District, both on the coast and inland at sites such as Roydon Common.		Support noted and welcomed.
Norfolk Coast Partnership (AONB)	Support	We support LP24		Support noted and welcomed.
Parish Clerk Holme-Next-The-Sea Parish Council	Object	It would be useful in the supporting text to reference the work / surveys of Footprint Ecology which indicate the importance of distance from the Protected Sites in determining the level of visitor pressure to be expected. In the case of settlements in the immediate vicinity of the PS it seems unlikely that SANGS will work as a mitigation measure. The importance of joint and cumulative impacts of development should be stressed (currently no mention of these). Need to make explicit that specific mitigation is needed to address the damage done by specific project – it is not sufficient just to make general mitigation provisions.		Agree – include a reference to the work/surveys of Footprint Ecology in the supporting text.
Consultations Team Natural England	Object	We recognise the forward thinking approach of the Borough Council’s Monitoring and Mitigation Strategy and its contributions to conservation projects in West Norfolk. We understand that the purpose of the strategy is to protect the integrity of European Sites from recreational pressure as a result of new and allocated development within the borough (section 1.2.1 of the Monitoring and Mitigation Strategy, 2015). However, Natural England are concerned that the current amount of £50 per dwelling is not adequate at the Borough level and advise that the strategy is reviewed with the Local Plan. The assessment should determine if	We advise that any GI delivered through the Strategy should be strategic, well researched with a robust evidence base to ensure that design and scale is sufficient to draw visitors away from designated sites. It	The Norfolk Enhanced GI and Recreational Impact Avoidance and Mitigation Strategy will recommend a tariff to be applied.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/Proposed Action
		<p>the amount per dwelling and method of delivery is sufficient to mitigate recreational impacts to designated sites to ensure that the approach is robust and compliant with the Habitats Regulations (as amended). This review should include the assessment of SSSI's and measures to address detrimental impacts identified, applying the mitigation hierarchy in accordance with paragraph 175 of the NPPF.</p>	<p>should include the requirement for monitoring and evaluation especially in the case of habitat creation. Ongoing management and maintenance should also be considered and included.</p> <p>We advise that the policy or support text lists the relevant Natura 2000 sites.</p> <p>Additional Comments on Local Plan Policy</p> <p>Where policy does not specify quantum, size or type of development and may pose impact pathways to designated sites, a project level HRA should be undertaken.</p>	<p>Agree – include a list of the relevant Natura 2000 sites.</p> <p>This appears to be a comment about local plan policies in general rather than LP24.</p>