



Newton Neighbourhood Plan 2018-2036: Regulation 14 Regulation 14 Pre-Submission Draft

Habitats Regulations Assessment (HRA) Screening Report – November 2020







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Glossary of Acronyms

AA	Appropriate Assessment
BDC	Babergh District Council
DC	District Council
DPD	Development Plan Document
EA	Environment Agency
EC	European Commission
EU	European Union
Ha	Hectare
HRA	Habitats Regulations Assessment
IFCA	Inshore Fisheries Conservation Authority
IRZ	Impact Risk Zone (for SSSIs)
Km	Kilometre
LPA	Local Planning Authority
NDP/NP	Neighbourhood Development Plan / Neighbourhood Plan
NE	Natural England
NPPF	National Planning Policy Framework
PRoW	Public Right of Way
RAMS	Recreational disturbance Avoidance and Mitigation Strategy
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SIP(s)	Site Improvement Plans(s)
SPA	Special Protection Area
SSSI	Site of Specific Scientific Interest
SuDS	Sustainable Drainage System
ZOI	Zone of Influence



1. Introduction

1.1 The Purpose of This Report

This report screens to determine whether the Newton Neighbourhood Plan Regulation 14 Pre-Submission Draft Neighbourhood Plan requires a Habitats Regulations Assessment (HRA) in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). A Stage 1 HRA is required when it is deemed that likely adverse significant effects may occur on protected Habitats (European) Sites as a result of the implementation of a plan/project, either alone or in combination with other plans and projects.

1.2 The Newton Neighbourhood Plan Regulation 14 Pre-Submission Draft

The main purpose of the Plan is to set out and identify the best ways to direct local planning towards community wants and needs, while protecting the natural environment and cultural assets, ensuring a more sustainable future for the community. The Regulation 14 draft Neighbourhood Development Plan will set out planning policies for Newton Parish and within the confines of the Neighbourhood Plan boundary as defined (see Appendix 1).

Once formally 'made' or 'adopted', a Neighbourhood Plan carries the same legal weight as Local Development Plans adopted up by the Local Planning Authority (LPA), in this case Babergh District Council.



2. Legislative Background

2.1 Habitats Regulations Assessment (HRA)

Under English law and the Habitats Regulations (*The Conservation of Habitats and Species Regulations 2017, as amended*), a competent authority must carry out an assessment of whether a plan or project will significantly affect the integrity of any Habitats Site, in terms of impacting the site's conservation objectives.

The first stage of HRA is the screening assessment of the impacts of a land use proposal against the conservation objectives of Habitats sites. Specifically, it is to ascertain whether or not a proposal (either alone or in combination with other proposals) would potentially damage the internationally designated features of that site. Natura 2000 sites make up the network of SACs and SPAs in Europe and Habitats Sites make up the National Site Network in the UK as stated in the NPPF (2019).

This HRA Screening Report has been undertaken in order to support the Newton Neighbourhood Plan which is being produced by Newton Parish Council in accordance with the Neighbourhood Planning (General) Regulations 2012. The area covered by the Plan is shown in Appendix 1.

The Neighbourhood Planning (General) Regulations 2012, state that submitted Plans need to be accompanied by a statement explaining how the proposed Plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to demonstrate how the Plan is compatible with EU obligations, which includes the need to undertake a HRA.

In line with the Court judgement (CJEU *People Over Wind v CoillteTeoranta C-323/17*), mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a plan or project is likely to result in significant effects on a Habitats Site.

On 23 June 2016, the United Kingdom (UK) held a referendum and voted to leave the European Union (EU). On 29 March 2017 the Prime Minister triggered Article 50 of the Treaty on European Union, which commenced a period of negotiations regarding the UK's exit from the EU. On 26 June 2018 The European Union (Withdrawal) Act 2018 received Royal Assent and work to prepare the UK statute book for Brexit is nearly complete. The European Union (Withdrawal) Act 2018 will make sure that UK laws continue to operate following the UK's exit. There is no immediate change to legislation or policy affecting national infrastructure. Relevant EU Directives have been transposed into UK law and those are unchanged until amended by Parliament. The requirements for HRA under the Conservation of Habitats and Species Regulations 2017 (as amended) remain in place with minor changes being effected by the Conservation of Habitats and Species Amendment (EU Exit) Regulations 2019. Parliament will however be at liberty to introduce future changes to the Conservation of Habitats and Species Regulations 2017 (as amended) since, after 31 December 2020, the UK will no longer be bound by the EU Habitats and Wild Birds Directives..

At the present time the position, under section 6(3) EU (Withdrawal) Act 2018 (as amended), is that the courts in the UK, with the sole exception of the Supreme Court, will continue to be bound by HRA judgments handed down by the CJEU and by domestic courts prior to 31 December 2020 when interpreting the Conservation of Habitats and Species Regulations 2017 (as amended). This is the case as long as the Conservation of Habitats and Species Regulations 2017 (as amended) remain unmodified by Parliament.



3. HRA Screening

3.1 Habitat Regulations Assessment of Development Plans

This section forms a plan level Habitats Regulations Assessment (HRA) screening report as required by Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended).

This section of this Report aims to:

- Identify the Habitats sites within 20km of the Newton Neighbourhood Plan area.
- Summarise the reasons for designation and Conservation Objectives for each site to be considered in this assessment.
- Screen the Newton Neighbourhood Development Plan for its potential to impact upon a Habitats site.
- Assess the potential for in combination effects from other projects and plans in the area.
- Identify if there are any outstanding issues that need further investigation.

3.2 Court Judgements and their consideration in this Report

Decisions of the CJEU on HRA made *after 31 December 2020* will no longer be binding on any of the courts in the UK. However the Court judgements below are applicable.

3.2.1 CJEU People Over Wind v Coillte Teoranta C-323/17

As previously mentioned, in line with the Court judgement (CJEU People Over Wind v Coillte Teoranta C-323/17), mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a plan or project is likely to result in significant effects on a Habitats Site.

This HRA Screening Report does not therefore consider mitigation measures within the assessment of Likely Significant Effects resulting from the Newton Neighbourhood Plan.

3.2.2 CJEU Holohan C- 461/17

This Court judgement now imposes more detailed requirements on the competent authority for any plans or projects at Appropriate Assessment stage:

1. [...] an 'Appropriate Assessment' must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications



are liable to affect the conservation objectives of the site.

2. [...] the competent authority is permitted to grant to a plan or project consent which leaves the developer free to determine subsequently certain parameters relating to the construction phase, such as the location of the construction compound and haul routes, only if that authority is certain that the development consent granted establishes conditions that are strict enough to guarantee that those parameters will not adversely affect the integrity of the site.

3. [...] where the competent authority rejects the findings in a scientific expert opinion recommending that additional information be obtained, the 'Appropriate Assessment' must include an explicit and detailed statement of reasons capable of dispelling all reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.

Within this Stage 1 HRA Screening report, the assessment will determine the requirement for whether or not a Stage 2 Appropriate Assessment is needed for the Newton Neighbourhood Development Plan.

3.3 Habitats (European) Sites

'Habitats sites' is the term used in the (revised) NPPF (2019) to describe the National Network of Sites of nature protection areas in the UK. This aims to assure the long-term survival of European (Habitats) sites in the UK as the most valuable and threatened species and habitats.

Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and wetlands of International Importance (Ramsar sites) are part of the Habitats (Sites) network in the UK. This is because all SPAs and SACs are comprised of Sites of Special Scientific Interest (SSSIs) and all Ramsar sites in England are SSSIs. Together, SPAs, SACs and Ramsar Sites make up the Habitats Sites in the UK. The following offers a description and explanation of SPAs, SACs and Ramsar Sites.

3.3.1 Explanation of SPAs, SACs and Ramsar Sites

Special Protection Areas (SPAs)

SPAs are areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within EU countries. Example: Deben Estuary SPA is internationally important for wintering waterfowl. *Legislation: The Conservation of Habitats and Species Regulations 2017 (as amended).*

Special Areas of Conservation (SACs)

SACs are areas designated to protect habitat types that are in danger of disappearance, have a small natural range, or are highly characteristic of the region; and to protect species that are endangered, vulnerable, rare, or endemic. Example: Waveney and Little Ouse Valley Fens for calcareous fens, *Molinia* meadows and Desmoulin's whorl snail. *Legislation: The Conservation of Habitats and Species Regulations 2017 (as amended).*



Ramsar Sites (Wetlands of International Importance)

Ramsar Sites are designated to protect the biological and physical features of wetlands, especially for waterfowl Habitats. Example: Redgrave and South Lopham Fens is an extensive example of lowland base-rich valley, remarkable for its lack of fragmentation which supports many rare and scarce invertebrates, including a population of the fen raft spider *Dolomedes plantarius*. Ramsar sites often overlap with SACs and SPAs and UK planning policy determines that they should be accorded the same importance when developments are proposed. *Legislation: Ramsar Convention (1971) – Wetlands of International Importance.*

3.3.2 Habitats Sites to be considered

There are 4 Habitats sites (SPA/SAC/Ramsar) which lie within 20 km of Newton parish and are shown on the map in Appendix 2.

Table 1: Habitats Sites within 20km of the development

SPA	SAC	Ramsar
Stour and Orwell Estuaries		Stour and Orwell Estuaries
Abberton Reservoir		Abberton Reservoir

After consideration of the Zones of Influence (Zoi) as shown on MAGIC website www.magic.gov.uk, the Plan area does not lie within the 13km Zoi for The Stour and Orwell SPA or Ramsar site nor the Impact Risk Zone for Abberton Reservoir SPA. It was therefore concluded that none of the Habitats Sites should be assessed for any likely significant effects resulting from the Newton Neighbourhood Plan Regulation 14 Pre-Submission Draft.

3.3.3 Conservation Objectives

Information on each of the above Habitats sites has been obtained from the Natural England website.

The justification for the importance of each Habitats site and the reasons for designation - the Conservation Objectives and Designation Features - for each site are included in Appendix 3. It also reflects the Supplementary Advice for Conservation Objectives which describes the range of ecological attributes that are most likely to contribute to a site's overall integrity and key vulnerabilities to consider within Habitats Regulations assessments.

3.4 Method and Approach

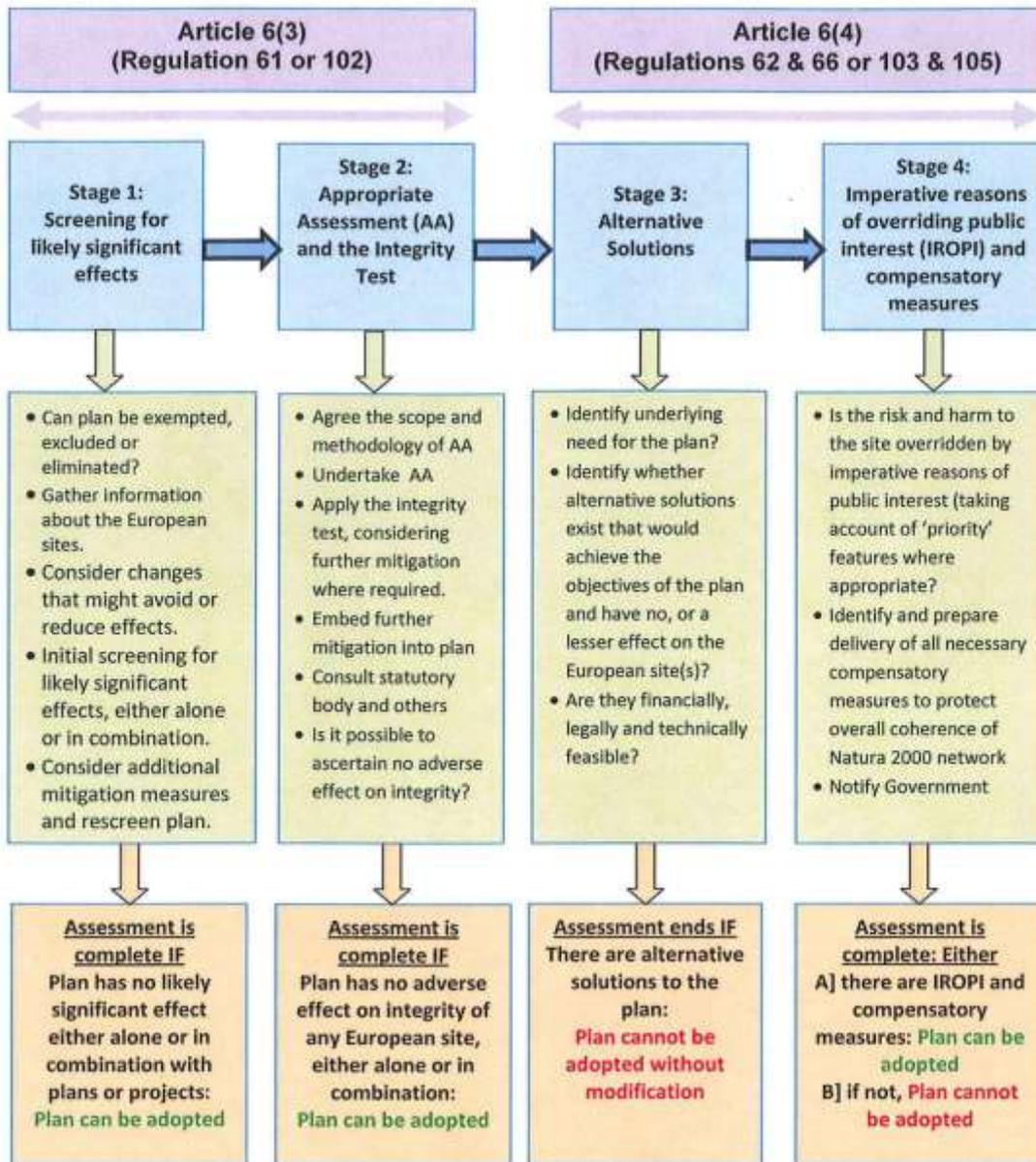
The Neighbourhood Planning (General) Regulations 2012, state that submitted Plans need to be accompanied by a statement explaining how the proposed Plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These basic conditions include a requirement to



demonstrate how the Plan is compatible with EU obligations, which includes the need to undertake a HRA screening report; this is necessary to ensure the making of the neighbourhood plan is not likely to have a significant effect on a Habitats site (European site or a European offshore marine site), either alone or in combination with other plans or projects.



Outline of the four stage approach to the assessment of plans under the Habitats Regulations



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Figure 1: Outline of the Four Stage Approach to the Assessment of Plans under the Habitats Regulations



3.4.1 Stage 1: HRA screening

This screening stage identifies if alternatives are needed because any policies or projects will have an impact on a Habitats Site, amendments need to be made in Neighbourhood Development Plans. Table 4 identifies the different categories assigned to each policy in the plan: Category A identifies those policies or projects that may not result in a Likely Significant Effect and are considered to have No Negative Effect. Category B identifies those policies or projects that will have No Likely Significant Effect. Category C identifies those policies or projects that might have Likely Significant Effect and thus upon a European Site either alone or in combination with other plans or projects.

Each of the policies in the Newton Neighbourhood Plan has been screened to identify whether they would have any impact on a Habitats Site and allocated to a category as listed in Table 2.

Table 2: Screening categorisation

Category A: No negative effect
Policies or projects that will not be likely to have any negative effect on a Habitats site.
Category B: No Likely Significant Effect
Policies or projects that could have an effect but would not be likely to have a likely significant effect on a Habitats site alone or in combination. This conclusion could only be reached if the effects, even in combination and taking the precautionary principle into account, are considered trivial.
Category C: Likely Significant Effect
Policies or projects which are predicted to have a likely significant effect on a Habitats Site either on its own or in combination with other plans and projects and require revision or further assessment (Appropriate Assessment).

3.4.2 Potential impacts of the Newton Neighbourhood Plan on Habitats Sites

There are a wide range of potential impacts from development which can be summarised as -

- Land take by developments;
- Impact on protected species found within but which travel outside the protected sites (functionally linked land) may be relevant where development could result in effects on qualifying interest species within the Habitats site, for example through the loss of feeding grounds for an identified species.
- Increased disturbance, for example from recreational use resulting from new housing development and / or improved access due to transport infrastructure projects;
- Changes in water availability, or water quality as a result of development and increased demands for water treatment, and changes in groundwater regimes due to increased impermeable areas;
- Changes in atmospheric pollution levels due to increased traffic, waste management facilities etc. Pollution discharges from developments such as industrial developments, quarries and waste management facilities.



Each policy in the neighbourhood plan will therefore be assessed against the above criteria in the table below.

Table 3: Assessment of potential impacts

Nature of potential impact	How the Newton Neighbourhood Plan (alone or in combination with other plans and project) could affect a Habitats site?	Why these effects are/ not considered likely to be significant?
Land take by development	The Plan area is outside the boundaries of the 4 Habitats within scope of this HRA.	N/A
Impact on protected species outside the protected sites	The Plan area does not contain any functionally linked land for use by designated features of the Habitats sites.	N/A
Recreational pressure and disturbance	HRA / AA work undertaken at the Local Plan level indicates that there is no potential pathway for development in the Plan area to impact on the SAC, SPA & Ramsar sites within the scope of the HRA as the Parish lies outside the 13km Zones of Influence of all Habitats sites within the Suffolk Coast RAMS.	N/A
Water quantity and quality	It is considered that there is no pathway for development to result in impacts on water.	N/A
Changes in air & noise pollution levels	It is considered that there is no pathway for development to result in pollution impacts.	N/A

3.5 Results of HRA Screening of Newton Neighbourhood Plan Policies

The HRA Screening exercise explores whether there will be any Likely Significant Effect resulting from the Plan's policies. These Policies are:

Policy NEWT 1 - Development Strategy

Policy NEWT 2 - Local Housing Need



Policy NEWT 3 -	Character and Design of Development
Policy NEWT 4 -	Local Green Spaces
Policy NEWT 5 -	Protection of Local Landscape and Views
Policy NEWT 6 -	Renewable Energy
Policy NEWT 7 -	Maximising Wildlife and Biodiversity
Policy NEWT 8 -	Ensuring Pedestrian Safety and Encouraging Walking
Policy NEWT 9 -	Provision and Enhancement of Community Facilities

This section considers each policy in turn and the results of the screening exercise is recorded in Table 4.

Table 4: Summary of findings from the HRA screening

Policy	Will Policy have Likely Significant Effect on a Habitats Site?	Recommendations
<p>Policy NEWT 1 – Development Strategy</p> <ol style="list-style-type: none"> 1. New development proposals in Newton should be commensurate with its designation as a Hinterland Village. Development will be prioritised on underused parcels of land within the defined settlement boundary (as shown on the Policies Map) and must reflect the character of the surrounding area. 2. Proposals for development located outside the settlement boundary will only be permitted where it can be satisfactorily demonstrated that there is an identified local need for the proposal, that it cannot be satisfactorily located within the settlement boundary and, that it will provide tangible benefits to the local community. 	No, Category A	No specific recommendations
<p>Policy NEWT 2 – Local Housing Need</p> <ol style="list-style-type: none"> 1. Proposals for the development of small-scale affordable housing schemes on rural exception sites outside the settlement boundary, where housing would not normally be permitted by other policies, will be supported where there is a proven local need and provided that the housing: <ol style="list-style-type: none"> a. remains affordable in perpetuity; b. is for people that are in housing need because they are unable to buy or rent properties in Newton village at open-market prices; 	No, Category A	No specific recommendations



<p>c. is offered, in the first instance, to people with a demonstrated local connection, as defined by the Babergh Choice Based Lettings Scheme. Where there is no local connection, a property should then be offered to those with a demonstrated need for affordable housing in neighbouring villages.</p> <p>2. These restrictions should be delivered through a legal agreement attached to the planning consent for the housing. Applications for such development will be considered in relation to the appearance and character of the surrounding area, the potential impact on residential amenity and highway safety.</p> <p>3. To be acceptable, proposals should demonstrate that a local need exists which cannot be met by applying normal planning policy for the provision of affordable homes in association with market housing. Any application for affordable housing in respect of this policy should be accompanied by a detailed needs assessment and the accommodation proposed should contribute to meeting this proven need.</p> <p>4. In exceptional circumstances, a small number of market homes will be permitted where demonstrated that these are financially essential to facilitate the delivery of affordable units.</p>		
<p>Policy NEWT 3 – Character and Design of Development</p> <p>1. Proposals for new development must reflect the character and appearance of the surrounding area and demonstrate high quality design. Where applicable, reference should be made to the identified features of the relevant character area as identified on the Policies Map.</p> <p>2. The design and layout of development must recognise key features of the landscape, built character and heritage and seek to reflect these through:</p> <p>a. the use of good quality materials that complement the existing palette of materials used within the area; and</p> <p>b. the scale and mass of buildings being in keeping with those that surround them.</p>	<p>No, Category A</p>	<p>No specific recommendations</p>



<p>3. Boundary treatments are particularly important to the setting of development. Residential proposals should include details of boundary treatments and other means of enclosure and demonstrate how the boundaries between properties and public space will enhance the environmental setting. Boundary treatments must be appropriate to ensure they are long lasting.</p> <p>4. Development is encouraged to maximise sustainable design and construction techniques and to incorporate a range of energy efficiency features into any new or renovated buildings and supporting infrastructure.</p> <p>5. Development of new dwellings that involves the loss of garden space will not be permitted.</p>		
<p>Policy NEWT 4 – Local Green Spaces</p> <p>1. The following areas shown on the Policies Map are designated as Local Green Spaces:</p> <ul style="list-style-type: none"> a. Newton Green village playing field and play spaces b. Newton Green Golf Course / common land c. Newton allotments d. All Saints Church churchyard <p>2. Proposals for development on a Local Green Space will only be permitted in very special circumstances.</p>	<p>No, Category A</p>	<p>No specific recommendations</p>
<p>Policy NEWT 5 – Protection of Local Landscape and Views</p> <p>1. Development proposals are expected to preserve and enhance the high quality landscape of Newton parish.</p> <p>2. Notable features on the landscape such as mature trees, hedgerows and ponds must be retained and incorporated into the design and layout of any development. Any proposals for development outside the settlement boundary must demonstrate that they will not have a detrimental impact on the landscape, particularly in terms of their location, layout and scale.</p> <p>3. Development proposals are expected to preserve the following views of significance in Newton, as shown on the Policies Map:</p>	<p>No, Category A</p>	<p>No specific recommendations</p>



<ul style="list-style-type: none"> a. View across The Green towards the Saracens Head b. View to church tower from Valley Farm c. View north across The Green d. View south from Newton across The Green. 		
<p>Policy NEWT 6 – Renewable Energy</p> <p>Renewable energy schemes, particularly those that provide a direct benefit to the community, will be encouraged, subject to their impact on the landscape.</p>	No, Category A	No specific recommendations
<p>Policy NEWT 7 – Maximising Wildlife and Biodiversity</p> <ul style="list-style-type: none"> 1. Development proposals that incorporate into their design features which encourage wildlife to thrive will be strongly supported. 2. All new housing proposals shall incorporate provision for local wildlife to thrive. Specific examples of such provision include: <ul style="list-style-type: none"> a. Bird and bat boxes and hedgehog runs; b. Measures to support character species of fauna and flora; c. Planting schemes including native species of trees and shrubs and nectar-rich plants for bees and other pollinators; d. Veteran tree retention; e. A sustainable drainage systems (SuDS) approach to natural water management and flood resilience, including soft, green landscaping and wetland habitat close to where people live. 3. Planting, landscaping and features which encourage wildlife in new development should connect wider ecological networks where possible. 4. Development that is required to provide SuDS is expected to be provided on site, unless there are clear reasons why this is not possible. 5. SuDS provision must demonstrate how its design will enhance wildlife and biodiversity as well as minimise the impacts of flooding. Such development is encouraged to demonstrate the use of a wide range of creative SuDS solutions, for example through the provision of SuDS as part of green spaces, green roofs, permeable surfaces and rain gardens. Only where it is 	No, Category A	No specific recommendations



<p>demonstrably unviable or not feasible will an absence of any on-site SuDS provision be permissible in such developments.</p> <p>6. Development proposals should be supported by a drainage scheme maintenance plan which demonstrates a schedule of activities, access points, outfalls and any biodiversity considerations. The maintenance plan should also include an indication of the adopting or maintaining authority or organisation and may require inclusion within a register of drainage features.</p>		
<p>Policy NEWT 8 – Ensuring Pedestrian Safety and Encouraging Walking</p> <p>1. Development proposals are encouraged to incorporate features and layouts in their design which encourage people to walk rather than use less sustainable modes of travel such as the private car for local journeys. This includes providing access to footways, public rights and way and to other routes into the countryside and to local services and facilities.</p> <p>2. Proposals for new development must provide safe access for vehicles, cyclists and pedestrians with adequate visibility. In particular, development proposals that generate an increased need for parking must ensure that all vehicle parking is provided in accordance with adopted SCC Parking Standards in order to minimise obstruction of the local road network.</p>	<p>No, Category A</p>	<p>No specific recommendations</p>
<p>Policy NEWT 9 - Provision and Enhancement of Community Facilities</p> <p>1. The provision and enhancement of community facilities and services in Newton that contribute to the quality of village life and improve the sustainability of the village are encouraged. In particular, proposals to provide a community shop/café will be strongly supported.</p> <p>2. Proposals for the flexible use and/or expansion of existing buildings for community uses will be permitted, subject to demonstrating good design and that they do not have a significant impact on the landscape.</p>	<p>No, Category A</p>	<p>No specific recommendations</p>



3.5.1 Recommendations

There are no recommendations for the policies in this Regulation 14 draft Neighbourhood Development Plan as they have all been assigned to Category A (no negative effect) with no need to amend policy text.

As there is no Likely Significant Effect from the Plan alone, it is necessary to assess the likely effects from the Plan in combination with other plans and projects; these are considered in Section 3.6.

3.6 Other Plans & Projects: In-Combination Effects

There are five relevant Plan level HRAs that have been carried out by Babergh DC or other organisations and these have been found, not to have an adverse effect on the integrity of Habitats sites being assessed in-combination with other plans and projects. There are no Projects considered to be relevant to this section.

In the context of this HRA screening report, as the Regulation 14 draft Newton Neighbourhood Plan Regulation 14 Pre-Submission Draft Neighbourhood Plan does not allocate sites for development, it does not require any mitigation measures and therefore there will be no likely significant effect in combination with other plans and projects.

Table 5: Other plans or projects considered for in combination effects

Statutory Body	Title of HRA or Project	Findings of HRA or Project	Potential for in combination effects
Mid Suffolk District Council	Core Strategy Habitats Regulations Assessment (Appropriate Assessment) October 2007)	The HRA found no likely significant effects from the Plan on the Breckland SAC/SPA and Waveney and Little Ouse Valley Fens SAC.	It is considered that in combination likely significant effects are not predicted.
St Edmundsbury Borough Council	Core Strategy HRA screening (2010)	The HRA found no potential for in combination effects as no other current plans or projects that are likely to lead to significant effects on the Breckland SAC/SPA or the Waveney and Little Ouse Valley Fens SAC have been identified, or	It is considered that in combination likely significant effects are not predicted



		where impacts have been identified they have been adequately mitigated.	
Babergh District Council	Habitat Regulations Assessment of Core Strategy 2011	The Core Strategy aims to minimise impacts on the Orwell and Stour estuaries, a European-designated site which supports species that	It is considered that in combination likely significant effects are not predicted.
Suffolk Coastal District Council	Habitats Regulations Assessment of the Suffolk Coastal District Local Plan at Final Draft Plan Stage (Dec 2018)	It is recommended that the Suffolk authorities should be mindful of the potential issue for impacts from air quality and plan for more detailed analysis of risks across the county, to inform the next plan reviews. This should include air quality modelling that incorporates a specific consideration of potential deposition rates within 200m of European sites.	<p>Potential risk of traffic emissions to Habitats sites with features sensitive to air pollution.</p> <p>Recommendation that the Council commits to working with neighbouring authorities to gather more data to inform future Local Plan reviews.</p>
Babergh District Council and Mid Suffolk District Council	Babergh & Mid Suffolk Joint Local Plan Habitats Regulations Assessment including Appropriate Assessment	Embedded mitigation measures for projects will need to be considered in project level HRA/AA reports and secured by way of any planning consent. The Babergh & Mid Suffolk Districts Joint Local Plan is not predicted to have any adverse effect on integrity (AEOI) on any Habitats Sites.	It is considered that in combination likely significant effects are not predicted.



4. Conclusion

Subject to Natural England's review, this HRA Screening Report concludes that the Newton Neighbourhood Plan Regulation 14 Pre-Submission Draft is not predicted to result in any Likely Significant Effect on the Integrity of the Habitats sites in scope, either alone or in combination with other plans and projects.

The content of the Newton Neighbourhood Plan has, therefore, been **screened out** for any further assessment and Babergh DC can demonstrate its compliance with the Conservation of Habitats and Species Regulations 2017 (as amended).



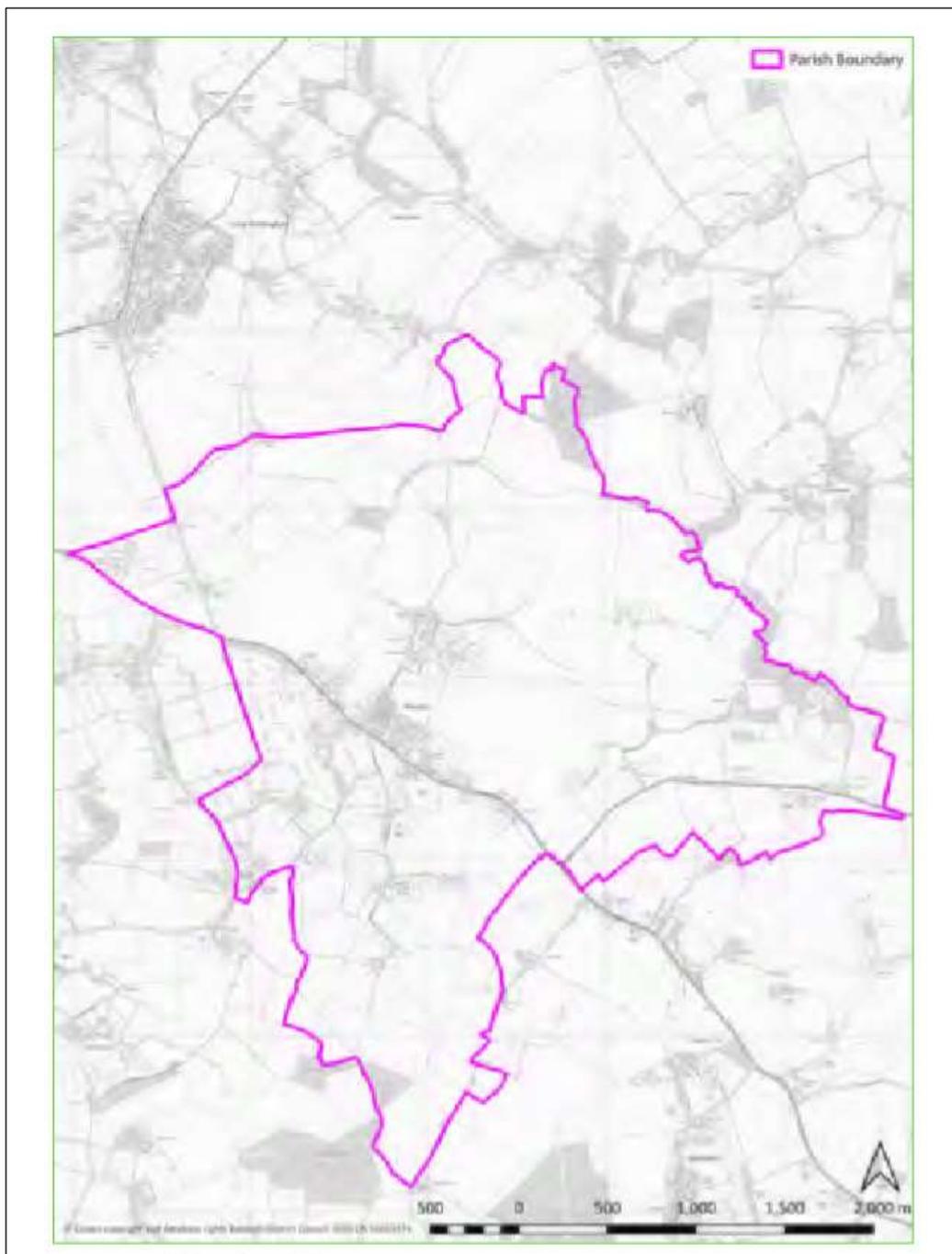
5. References

- Babergh and Mid Suffolk District Councils Joint Local Plan (2018)
- Natural England Conservation objectives for European Sites: East of England Website: <http://publications.naturalengland.org.uk/category/6581547796791296#content>
- Natural England Site Improvement Plans: East of England <http://publications.naturalengland.org.uk/category/4873023563759616>
- Place Services (June 2019) Babergh and Mid Suffolk District Councils Joint Local Plan Habitats Regulations Assessment including Appropriate Assessment
- Place Services (October 2020) Babergh and Mid Suffolk District Councils Joint Local Plan Habitats Regulations Assessment including Appropriate Assessment
- Newton Parish Council (2019) Newton Neighbourhood Plan Regulation 14 Pre-Submission Draft Neighbourhood Development Plan Regulation 14 Draft)



Appendix I

Newton Neighbourhood Plan Area



Source: Newton Neighbourhood Plan Regulation 14 Pre-Submission Draft (Newton Neighbourhood Plan Working Group, July 2020)



Appendix II

Newton Parish and Habitats Sites within 20km

MAGiC sites within 20km of Newton Parish



Legend

- Ramsar Sites (England)
- Special Areas of Conservation (England)
- Special Protection Areas (England)

0 10 20
km

Projection = OSGB36
 xmin = 498700
 ymin = 191200
 xmax = 702200
 ymax = 294200

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Appendix III

Characteristics of Habitats Sites

This appendix contains information about the Habitats Sites included in the scoping for this HRA. Information about each site's area, the site descriptions, qualifying features and pressures and threats are drawn from Natural England's Site Improvement Plans (SIPs) and the Standard Data Forms or Ramsar Information Sheets available from the JNCC website. Site conservation objectives are drawn from Natural England's website and are only available for SACs and SPAs. Supplementary Advice has also been added to describe the range of ecological attributes that are most likely to contribute to a site's overall integrity and key vulnerabilities to consider within Habitats Regulations Assessments.



Site name	Area (ha)	Qualifying Features	Conservation objectives (only available for SACs & SPAs)	Key vulnerabilities / factors affecting site integrity
<p>The Stour and Orwell Estuaries</p> <p>These estuaries straddle the eastern part of the Essex/Suffolk border in eastern England. The estuaries include extensive mud-flats, low cliffs, saltmarsh and small areas of vegetated shingle on the lower reaches. The mud-flats hold <i>Enteromorpha</i>, <i>Zostera</i> and <i>Salicornia</i> spp. The site also includes an area of low-lying grazing marsh at Shotley Marshes on the south side of the Orwell. In summer, the site supports important numbers of breeding Avocet <i>Recurvirostra avosetta</i>, while in winter they hold major concentrations of waterbirds, especially geese, ducks and waders. The geese also feed, and waders roost, in surrounding areas of agricultural land outside the SPA. The site has close ecological links with the Hamford Water and Mid-Essex Coast SPAs, lying to the south on the same coast.</p>				
Stour and Orwell Estuaries SPA EU Code: UK9009121	3676.92	<p>Qualifying Species:</p> <p>Annex I species:</p> <p>Over winter:</p> <ul style="list-style-type: none"> • Hen Harrier <i>Circus cyaneus</i> <p>Over winter:</p> <ul style="list-style-type: none"> • Black-tailed Godwit <i>Limosa limosa islandica</i> • Dunlin <i>Calidris alpina alpina</i> • Grey Plover <i>Pluvialis squatarola</i> • Pintail <i>Anas acuta</i> 	<p>With regard to the individual species and/or assemblage of species for which the site has been classified ("the Qualifying Features" listed below);</p> <p>Avoid the deterioration of the Habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of The</p>	<p>Coastal squeeze:</p> <p>Coastal defences are present along most of the Orwell coastline to mitigate for impacts from climate change, such as rising sea level. Unless changes are made to the management of the coastline, Habitats supporting qualifying SPA birds will be lost or degraded through coastal squeeze, sedimentation and reduced exposure.</p> <p>Public access/disturbance:</p> <p>Stour and Orwell Estuaries is subject to land- and water-based activities, including boating and water sports; walking; bait-digging; fishing; wildfowling; and</p>



		<ul style="list-style-type: none"> • Redshank <i>Tringa totanus</i> • Ringed Plover <i>Charadrius hiaticula</i> • Shelduck <i>Tadorna tadorna</i> • Turnstone <i>Arenaria interpres</i> <p>Waterbird assemblages:</p> <ul style="list-style-type: none"> • Cormorant <i>Phalacrocorax carbo</i> • Pintail <i>Anas acuta</i> • Ringed Plover <i>Charadrius hiaticula</i> • Grey Plover <i>Pluvialis squatarola</i> • Dunlin <i>Calidris alpina alpina</i> • Black-tailed Godwit <i>Limosa limosa islandica</i> • Redshank <i>Tringa tetanus</i> • Shelduck <i>Tadorna tadorna</i> 	<p>Conservation of Habitats and Species Regulations 2017 (as amended).</p> <p>Subject to natural change, to maintain or restore:</p> <p>The extent and distribution of the Habitats of the qualifying features;</p> <p>The structure and function of the Habitats of the qualifying features;</p> <p>The supporting processes on which the Habitats of the qualifying features rely;</p> <p>The populations of the qualifying features;</p> <p>The distribution of the qualifying features within the site.</p>	<p>military overflight training. These activities are likely to impact Habitats supporting breeding and overwintering water birds. A better understanding of which species and Habitats are most susceptible; which types of activity are most disturbing; and which locations and times of year are most sensitive is required to ensure the Estuaries are appropriately managed.</p> <p>Changes in species distribution:</p> <p>Declines in the number of bird species present at Orwell coastline have occurred. This is likely to be the result of changes in population and distribution on an international scale, due to climate change.</p> <p>Invasive species:</p> <p>An increase in <i>Spartina anglica</i> may be affecting the growth of <i>Spartina maritima</i>, a key habitat feature for qualifying bird roosting and feeding areas of saltmarsh and mudflat.</p> <p>Planning permission- general:</p> <p>The issue of development in combination with other factors is not fully understood. To ensure</p>
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		<ul style="list-style-type: none"> • Great Crested Grebe <i>Podiceps cristatus</i> • Curlew <i>Numenius arquata</i> • Dark-bellied Brent Goose <i>Branta bernicla bernicla</i> • Wigeon <i>Anas Penelope</i> • Goldeneye <i>Bucephala clangula</i> • Oystercatcher <i>Haematopus ostralegus</i> • Lapwing <i>Vanellus vanellus</i> • Knot <i>Calidris canutus</i> • Turnstone <i>Arenaria interpres.</i> <p>Further information can be found via Natural England's Supplementary Advice.</p>		<p>management is appropriate to the SPA a better understanding of the sensitivities relating to each habitat, species and location to different types of development is required. Difficult issues highlighted by the SIP include; a) Assessing the cumulative effects of numerous, small and often 'non- standard' developments. b) Development outside the SPA boundary can have negative impacts, particularly on the estuaries' birds. c) Assessing the indirect, 'knock-on' effects of proposals. d) Pressure to relax planning conditions on existing developments.</p> <p>Air pollution- impact from atmospheric nitrogen deposition:</p> <p>Atmospheric nitrogen deposition exceeds the relevant critical loads for coastal dune Habitats used by breeding terns and hence there is a risk of harmful effects.</p> <p>Inappropriate coastal management:</p> <p>Due to the presence of existing hard sea defences, such as sea walls there is little scope for adaptation to rising sea levels. Any freshwater Habitats behind failing seawalls are likely to be inundated by</p>
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				<p>seawater, which would result in the loss of this habitat within the SPA.</p> <p>Fisheries- Commercial and estuarine:</p> <p>Commercial fishing activities can be very damaging to inshore marine Habitats and the bird species dependent on the communities they support. Any 'amber or green' categorised commercial fishing activities in Habitats Marine Sites are assessed by Kent and Essex Inshore Fisheries Conservation Authority (IFCA). This assessment takes into account any in-combination effects of amber activities and/or appropriate plans or projects.</p>
<p>Stour and Orwell Estuaries Ramsar site</p> <p>EU Code: UK11067</p>	3676.92	<p>Ramsar criterion 2</p> <p>Contains seven nationally scarce plants:</p> <ul style="list-style-type: none"> • Stiff saltmarsh-grass <i>Puccinellia rupestris</i> • Small cord-grass <i>Spartina maritime</i> 	None available.	<p>Similar to Stour and Orwell Estuaries SPA (See above).</p> <p>A key threat identified by RIS was erosion.</p> <p>Erosion:</p> <p>Natural coastal processes exacerbated by fixed sea defences, port development and maintenance dredging. Erosion is being tackled through sediment replacement for additional erosion that can be</p>



		<ul style="list-style-type: none"> • Perennial glasswort <i>Sarcocornia perennis</i> • Lax-flowered sea lavender <i>Limonium humile</i> • Eelgrasses <i>Zostera angustifolia</i>, <i>Z. marina</i> and <i>Z. noltei</i>. <p>Ramsar criterion 5</p> <p>Assemblages of international importance; species with peak counts in winter; 63,017 waterfowl.</p> <p>Ramsar criterion 6</p> <p>Species/ populations occurring at levels of international importance:</p> <p>Species with peak counts in spring/autumn:</p> <ul style="list-style-type: none"> • Common redshank , <i>Tringa totanus totanus</i> • Species with peak counts in winter: 		<p>attributed to port development and maintenance dredging. A realignment site has been created on-site to make up for the loss of habitat due to capital dredging. General background erosion has not been tackled although a Flood Management Strategy for the site is being produced.</p>
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- Dark-bellied brent goose, *Branta bernicla bernicla*
- Northern pintail , *Anas acuta*
- Grey plover , *Pluvialis squatarola*
- Red knot , *Calidris canutus islandica*
- Dunlin , *Calidris alpina alpina*
- Black-tailed godwit , *Limosa limosa islandica*
- Common redshank , *Tringa totanus tetanus*

Abberton Reservoir

Abberton Reservoir is a large water storage reservoir lying about four miles south of Colchester. In numerical terms, Abberton is the most important reservoir in Great Britain for wintering wildfowl. It owes this position to its proximity to the coast and to the strict protection given to the site. Most of the SSSI is statutorily protected by the Wild Birds (Abberton Reservoir Sanctuary) Order 1967.



<p>Abberton Reservoir SPA</p> <p>EU code: UK9009141</p>	718.31	<p>Qualifying species:</p> <ul style="list-style-type: none"> • A005 Podiceps cristatus; Great crested grebe (Non-breeding) • A017 Phalacrocorax carbo; Great cormorant (Breeding) • A036 Cygnus olor; Mute swan (Non-breeding) • A050 Anas penelope; Eurasian wigeon (Non-breeding) • A051 Anas strepera; Gadwall (Non-breeding) • A052 Anas crecca; Eurasian teal (Non-breeding) • A056 Anas clypeata; Northern shoveler (Non-breeding) • A059 Aythya ferina; Common pochard (Non-breeding) 	<p>For each individual species, maintain or restore as appropriate the size of the nonbreeding population at/to a size which is above the baseline for each species, whilst avoiding deterioration from its current level as indicated by the latest mean peak count or equivalent. The extent and distribution of the habitats of the qualifying features.</p> <p>Maintain the extent, distribution and availability of suitable breeding habitat which supports the feature in the nonbreeding/wintering period (moulting, roosting, loafing, feeding).</p> <p>Maintain or, where necessary, restore concentrations and deposition of air pollutants to at or below the site-relevant Critical Load or Level values given for this feature of the site on the Air Pollution Information System (www.apis.ac.uk).</p>	<p>Siltation – high sediment load in reservoir inflow due to agricultural practices within catchment.</p> <p>Public access / disturbance – designated waterbirds are vulnerable to human disturbance but well controlled by Essex & Suffolk Water; occasional trespassing and disturbance by low flying aircraft.</p> <p>Planning permission: general – potential future threat to designated waterbirds if farmland providing supporting habitat close to the SPA were lost to development; requires further study.</p> <p>Changes in species distributions – unexplained decline in designated population of cormorant. Bird strike – death of designated mute swans and possibly other species from collision with overhead powerlines near reservoir.</p> <p>Water pollution – Water stored in the reservoir is high in nutrients (eutrophic) as it comes from intensively farmed catchment areas. Resulting algal blooms may include toxic blue-green algae that can kill wildfowl, though no significant mortality has been recorded. Historically, increased water from the</p>
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		<ul style="list-style-type: none"> • A061 Aythya fuligula; Tufted duck (Non-breeding) • A067 Bucephala clangula; Common goldeneye (Non-breeding) • A125 Fulica atra; Common coot (Non-breeding) • Waterbird assemblage <p>Further information can be found via Natural England's Supplementary Advice.</p>	<p>Maintain the safe passage of birds moving between roosting and feeding areas.</p> <p>Maintain management or other measures (whether within and/or outside the site boundary as appropriate) necessary to maintain the structure, function and/or the supporting processes associated with the feature and its supporting habitats.</p> <p>Maintain the availability of key prey species at preferred prey sizes.</p> <p>Maintain the availability of standing water at optimal depth.</p> <p>Where the supporting habitats of the SPA feature are dependent on surface water, maintain water quality and quantity at a standard which provides the necessary conditions to support the feature.</p> <p>Restrict the frequency, duration and/or intensity of disturbance of nesting, roosting, foraging, feeding, moulting</p>	<p>reservoir led to low water levels although no decrease in wildfowl was attributed to this.</p> <p>Currently the water level of the main, eastern section is being raised by 3 metres to increase storage capacity. As part of the level-raising scheme, the original concrete banks have been removed and the shoreline re-profiled, creating extensive new areas of shallow wetland habitat for the site's waterfowl.</p> <p>The Water Company has a consultative committee which addresses conservation issues at all its sites, and the Abberton Reserve Committee (involving Essex Wildlife Trust and EN) addresses local issues.</p> <p>Air Pollution: risk of atmospheric nitrogen deposition – The site is identified as at risk from air pollution as Nitrogen deposition levels exceed the site- relevant critical load for ecosystem protection. However, the site's Nitrogen load is likely to be dominated by levels in the water entering the reservoir (mainly from the distant Ouse catchment) rather than direct deposition.</p>
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			and/or loafing birds so that the feature is not significantly disturbed.	
Abberton Reservoir				
Abberton Reservoir is a large storage reservoir built in a long shallow valley. It is the largest freshwater body in Essex and is one of the most important reservoirs in Britain for wildfowl. It is less than 8 km from the coast and its primary role is as a roost for the local estuarine wildfowl population.				
Abberton Reservoir Ramsar EU code: UK11001	718.31	Qualifying species: Supports 23787 waterfowl (5 year peak mean 1998/99-2002/2003) including the following internationally important waterbird assemblage: <ul style="list-style-type: none"> • Gadwall, <i>Anas strepera strepera</i>; • Northern shoveler, <i>Anas clypeata</i>; • Eurasian wigeon, <i>Anas Penelope</i>; • Mute swan, <i>Cygnus olor</i> • Common pochard, <i>Aythya farina</i>; 	N/A	Similar to Abberton Reservoir SPA (above).



		<ul style="list-style-type: none">• Great cormorant, <i>Phalacrocorax carbo carbo</i>;• Eurasian teal, <i>Anas crecca</i>;• Tufted duck, <i>Aythya fuligula</i>;• Common coot, <i>Fulica atra atra</i>;• Pied avocet, <i>Recurvirostra avosetta</i>;• Ruff, <i>Philomachus pugnax</i>,• Black-tailed godwit, <i>Limosa limosa islandica</i>;• Spotted redshank, <i>Tringa erythropus</i>,• Common greenshank, <i>Tringa nebularia</i>,• Common goldeneye, <i>Bucephala clangula</i>		
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