

Habitats Regulations Assessment Screening Report for the Ipswich Borough Council Article 4

Introduction

Ipswich Borough Council is preparing an Article 4 Direction requiring the change of use of small Homes of Multiple Occupation (HMOs) to require formal planning consent.

What is the purpose of this statement?

The purpose of this statement is to assess the need for a Strategic Environmental Assessment (SEA) in relation to the Ipswich Borough Council Article 4 Direction.

The Article 4 Direction assists in the implementation of Policy DM20 Houses in Multiple Occupation in the adopted Ipswich Local Plan Review 2018-2036, which has itself been subject to a Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA).

What is the legislative background?

The Habitats Directive (92/43/EEC) requires that an 'appropriate assessment' is carried out in relation to any plan or project which is likely to have a significant effect, either alone or in combination with other plans or projects, on European wildlife sites. Where an appropriate assessment is carried out, a plan may only be adopted after having ascertained that it will not adversely affect the integrity of the site concerned. This Directive was translated into British Law via the Conservation of Habitats and Species Regulations 2010, as amended. The regulations are often abbreviated to, simply, the 'Habitats Regulations' (Regulations 102 and 103 are of particular relevance).

European wildlife sites are those designated as Special Protection Areas (SPA) and Special Areas of Conservation (SAC). Ramsar sites should also be given the same level of protection, as stated within the National Planning Policy Framework. The Stour and Orwell Estuaries SPA and Ramsar site lies partly within Ipswich Borough. The 'Habitats Regulations Assessments¹ (Appropriate Assessment)' for the Ipswich Borough Council Local Plan 2018 – 2036 (adopted in March 2022), also identified a list of European sites outside the Borough, which may potentially be affected by development in Ipswich.

The impact on those within a 20km radius from the boundary of Ipswich Borough was chosen as the area of search, which included:

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- Habitats Regulations Assessment of the Ipswich Borough Local Plan at Preferred Options Stage, 15th January 2019
- Habitats Regulations Assessment of the Ipswich Borough Local Plan Review at Final Draft Plan stage, 13th January 2020
- Habitats Regulations Assessment of the Ipswich Borough Local Plan Review at Final Draft Plan stage: Air Quality and Flood Risk Addendum, 28th May 2020
- Habitats Regulations Assessment (HRA) of the Ipswich Borough Local Plan Core Strategy and Policies Development Plan Document Review, Final Draft: Addendum relating to Proposed Main Modifications, 22nd July 2021
- Habitats Regulations Assessment (HRA) of the Ipswich Borough Local Plan Site Allocations and Policies (Incorporating IP-One Area Action Plan) Development Plan Document Review, Final Draft: Addendum relating to Proposed Main Modifications, 29th June 2021

SAC	SPA	Ramsar
Alde-Ore & Butley Estuaries	Alde-Ore Estuary	Alde-Ore Estuary
Hamford Water	Hamford Water	Hamford Water
Orfordness to Shingle Street	Stour and Orwell Estuaries	Stour and Orwell Estuaries
Staverton Park and the Thicks	Deben Estuary	Deben
	Outer Thames Estuary	
	Sandlings	

The Process

The process to complete the Habitats Regulations Assessment involves a number of steps.

- 1. Likely significant effect**
The Council, in consultation with Natural England, should decide whether or not the plan is likely to have a significant effect on any European site. This is a 'coarse filter' and any effect, large or small, positive or negative, should be considered.
- 2. Connected to management of the site**
The Council should decide whether the plan is connected to the nature conservation management of the European sites.
- 3. Screening**
The combination of decisions on likely significant effect and connections to management is often called 'screening'. If the plan is likely to have a significant effect and is not connected to the management of the site, an Appropriate Assessment is required.
- 4. Scoping**
The whole plan must be assessed, but a 'scoping' exercise helps decide which parts of the plan have the significant effects and therefore where assessment should be prioritised. Natural England is an important consultee in this process.
- 5. Consultations**
Natural England is a statutory consultee. The public may also be consulted if it is considered appropriate, for example if the assessment is likely to result in significant changes to the plan.
- 6. Iterations and revision**
The process is iterative; the conclusions of an initial assessment may result in changes to the plan, and so a revision of the assessment would be required. If the revised assessment suggests further plan changes, the iteration will continue. It is normally expected that iterative revisions will continue until it can be ascertained that the plan will not have an adverse effect on the integrity of any European site.

Table 1 below screens the Article 4 Direction to assess whether Habitats Regulations Assessment is needed.

Table 1 Screening of the Article 4 Direction

HRA Step	Plan – Article 4 Direction
Likely significant impact	The Article 4 Direction is not expected to have a significant impact on European protected sites. Policy DM20 to which the Article 4 Direction relates was itself subject to Habitats Regulations Assessment (HRA) through the Local Plan preparation process.

Connected to the conservation management of the site	No, the Article 4 Direction does not relate to the management of a site.
Screening	The Article 4 Direction is not connected to the conservation management of the site and is not likely to have a significant impact. Therefore, an appropriate assessment is not required.

What were the conclusions of the appropriate assessment?

The adopted Ipswich Local Plan Review 2018-2036 was subject to ‘appropriate assessment’ under the Habitats Regulations as part of its production. It concluded that there would be no adverse effect on the integrity of European sites through the delivery of the Ipswich Local Plan Review 2018-2036, provided that a suite of mitigation measures was included in the plan that would address the identified impacts arising from recreational pressures.

The plan level appropriate assessment noted the key elements of mitigation but highlighted the need for further consideration and information gathering relating to mitigation, particularly in relation to measures on the European sites to manage access.

Does the Article 4 Direction need an additional appropriate assessment?

The Article 4 Direction will help to safeguard against effects on European sites and as such an appropriate assessment is not required.

Natural England have been consulted on this Screening Assessment. Their feedback will be reported in due course.