

Habitats Regulations Assessment Screening Report for the Ipswich Borough Council Draft Local Validation List 2023

Introduction

Ipswich Borough Council is preparing a Local Validation List 2023 to support the implement of the policies set out in the Ipswich Local Plan Review 2018-2036 (adopted March 2022).

A Local Validation List provides guidance about the level and type of information required to make a valid application for planning permission.

Updating the Local Validation List will ensure planning applications can continue to be assessed effectively and expediently, as part of the Council's commitment to deliver an efficient and high-quality development management service and support the delivery of new housing and infrastructure.

What is the purpose of this statement?

The purpose of this statement is to assess the need for appropriate assessment in relation to the Ipswich Borough Council Local Validation List 2023.

The Local Validation List 2023 does not create new policy but provides detail in respect of the implementation of the adopted Ipswich Local Plan Review 2018-2036 policies, so that development can proceed in a timely, appropriate, legally compliant and policy compliant manner in Ipswich.

In the absence of procedures for adoption relating to a review of the Local Validation List, the Council's Operations Manager for Legal and Democratic Services has advised that the consultation should be carried out in accordance with SPD procedures, set out in the Ipswich Borough Council Statement of Community Involvement, March 2018.

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 Assessments'¹

1

- 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

(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:

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 Local Validation List 2023 to assess whether Habitats Regulations Assessment is needed.

-
- 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

Table 1 Screening of the Local Validation List

HRA Step	Plan – Local Validation List
Likely significant impact	The Local Validation List is not expected to have a significant impact on European protected sites. The purpose of the Local Validation List 2023 is to support the implementation of the adopted Ipswich Local Plan Review 2018-2036. The policies to which the Local Validation List relates were themselves subject to Habitats Regulations Assessment (HRA) through the Local Plan preparation process.
Connected to the conservation management of the site	No, the Local Validation List 2023 does not relate to the management of a site.
Screening	The Local Validation List 2023 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. All SPD requirements referred to in the Local Validation Update will similarly been subject to ‘Habitats Regulations Assessment’ screening.

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 Local Validation List 2023 need an additional appropriate assessment?

The Local Validation List 2023 requires applications for new residential development to submit a shadow Habitat Regulation Assessment including an Appropriate Assessment.

Such assessments enable the Council to determine whether there will be a significant impact on the Stour and Orwell Estuary SPA and Ramsar site and require appropriate mitigation.

It can therefore be concluded that the Local Validation List 2023 will help to safeguard against effects on European sites and that an appropriate assessment is not required.

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