

**Draft Development and Flood Risk Supplementary Planning Document Habitats  
Regulations Assessment Screening Statement**

**Ipswich Borough Council**

**Habitats Regulations Assessment Screening Report for the Ipswich Borough Council  
Draft Development and Flood Risk Supplementary Planning Document 2021.**

**Introduction**

Ipswich is located on the Orwell Estuary, which becomes the River Gipping upstream to the west of the town centre. Significant areas of the centre of the town lie within Flood Zones 2 and 3, and consequently flood risk is a long-established planning consideration for proposed development. In 2013, Ipswich Borough Council adopted a Development and Flood Risk Supplementary Planning Document ('SPD'). It set out an approach to assessing the safety of proposed developments within the flood zone (the 'safety framework'), based on Environment Agency hazard mapping and data contained in the Ipswich Strategic Flood Risk Assessment, 2011. The SPD was updated in 2016.

In October 2020, the Council published a new Strategic Flood Risk Assessment (SFRA). It updates the 2011 document by reflecting the completion of the Ipswich tidal barrier in 2019, the Environment Agency's new Gipping Model published in 2020, and updated national climate change forecasts. Therefore, a new iteration of the Development and Flood Risk SPD has been prepared to take account of the new information. As it is essentially a new document, a fresh Strategic Environmental Assessment (SEA) Screening Report has been prepared

Ipswich Borough Council's draft Development and Flood Risk Supplementary Planning Document (SPD) will implement the following policies, set out in the adopted Ipswich Local Plan (2017):

**Policy CS17 'Delivering Infrastructure'**

*The Council will require all developments to meet the on- and off-site infrastructure requirements needed to support the development and mitigate the impact of the development on the existing community and environment.*

*Each development will be expected to meet site related infrastructure needs. Where the provision of new, or the improvement or extension of existing, off-site infrastructure is needed to support a new development or mitigate its impacts, and it is not anticipated that the infrastructure will be provided through CIL, the development will be required to contribute proportionately through a Section 106 Agreement commuted sum, or other mechanism as agreed with the Council.*

*Section 106 Agreements will apply to all major developments and some minor developments but may be varied according to:*

- a. the scale and nature of the development and its demonstrated viability; and*
- b. whether or not a planning obligation meets all of the statutory reasons ('tests') for granting planning permission.*

*The broad categories of infrastructure to be secured or financed from new developments are as follows and detailed further in Appendix 5:*

- 1. highways and transport;*
- 2. childcare, early years and education;*
- 3. health and emergency services;*
- 4. environment and conservation;*
- 5. community and cultural facilities including heritage and archaeology;*
- 6. sport and recreation;*
- 7. economic development; and*
- 8. utilities.*

*Key strategic infrastructure requirements needed to deliver the objectives of the Core Strategy include the following (not in priority order):*

- *Ipswich flood defences;*
- *sustainable transport measures e.g. the Ipswich Major Scheme ‘Travel Ipswich’ and accessibility improvements between the Central Shopping Area, Waterfront and railway station;*
- *measures to increase and maximise east-west capacity in the public transport system to ease congestion;*
- *strategic education provision of new schools;*
- *strategic green infrastructure including a country park;*
- *sports and leisure facilities serving the whole Borough;*
- *community facilities including GP surgeries and health centres;*
- *water management infrastructure;*
- *new primary electricity substation in Turret Lane; and*
- *town centre environmental enhancements.*

*There will be specific requirements linked to the Ipswich Garden Suburb that will be identified in the Ipswich Garden Suburb supplementary planning document that has been prepared in advance of any development taking place there.*

*The Council will seek contributions to ensure that the mitigation measures identified in the Habitats Regulations Assessment and in the Recreational Avoidance and Mitigation Strategy can be addressed and delivered, including for any measures not classified as infrastructure.*

- **Policy CS18 ‘Strategic Flood Defence’**

*The Council will continue to work with partners to implement the Ipswich Flood Defence Management Strategy as a key piece of infrastructure needed to support regeneration in Ipswich.*

*This policy links closely with policy CS17, as the flood defences are a key piece of strategic infrastructure needed to enable the continued growth and regeneration of the town.*

- **Policy DM4 ‘Development and Flood Risk’**

*Development will only be approved where it can be demonstrated that the proposal satisfies all the following criteria:*

- a. *it does not increase the overall risk of all forms of flooding in the area or elsewhere through the layout and form of the development and appropriate application of Sustainable Drainage Systems (SuDS);*
- b. *it will be adequately protected from flooding in accordance with adopted standards wherever practicable;*
- c. *it is and will remain safe for people for the lifetime of the development; and*
- d. *it includes water efficiency measures such as rainwater harvesting, or use of local land drainage water where practicable.*

- **The Site Allocations and Policies (incorporating IP-One Area Action Plan) DPD** - *makes the key land use allocations for uses such as housing, employment and retail use, and describes an indicative capacity for the residential site allocations and the other site uses. Site sheets set out in Appendix 3A of the Site Allocations and Policies DPD identify where sites lie within a flood zone.*

Similar policies are contained in the emerging Ipswich Local Plan Review (ILPR). However, the ILPR is still under formal Examination and therefore it carries little weight at this stage.

The National Planning Policy Framework (NPPF) is clear that ‘Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.’ (NPPF paragraph 155 refers).

Through supporting the implementation of the adopted Ipswich Local Plan policies above and the NPPF, the aim of this SPD is to ensure that developers and their agents to submit appropriate flood risk and flood risk management information with planning applications in Ipswich.

The SPD will:

1. Provide information on the sources of flood risk in Ipswich, with links to mapped data in the SFRA October 2020;
2. Explain which developments will need a sequential test, and how to undertake a sequential test;
3. Identify what should be included in a site-specific flood risk assessment;
4. Set out the approach to safe development (the ‘safety framework’), including building design for flood resistance and resilience, and requirements for safe escape or refuge;
5. Provide advice on managing surface water using sustainable drainage systems; and
6. Explain the requirements of the exception test.

### **What is the purpose of this statement?**

The purpose of this statement is to assess the need for appropriate assessment in relation to the Development and Flood Risk Supplementary Planning Document (SPD).

The SPD does not create new policy but provides detail in respect of the implementation of the adopted Ipswich Local Plan 2017 policies identified above.

The SPD will set out a consistent and proportionate approach to assessing and addressing flood risk to proposed developments, so that development can proceed in a timely, appropriate, legally compliant and policy compliant manner in Ipswich.

### **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<sup>1</sup> (Appropriate Assessment)' for the Ipswich Borough Council Local Plan 2011 – 2031 (adopted in February 2017), 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 15km radius from the boundary of Ipswich Borough was chosen as the area of search, which included:

- Hamford Water candidate SAC;
- Hamford Water SPA and Ramsar site;
- Deben Estuary SPA and Ramsar site;
- Sandlings SPA;
- Staverton Park and the Thicks SAC;
- Alde-Ore Estuary SPA and Ramsar site;
- Alde, Ore and Butley Estuaries SAC; and
- Orfordness – Shingle Street SAC.

## 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

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• <sup>1</sup> Habitats Regulations Assessment (Appropriate Assessment) for Ipswich Borough Council Proposed Submission Core Strategy and Policies DPD Review (The Landscape Partnership, November 2014)

• Habitats Regulations Assessment Addendum for Pre-Submission Modifications to the Ipswich Borough Council Core Strategy and Policies DPD Review (Proposed Submission stage) (The Landscape Partnership, September 2015)

• Habitats Regulations Assessment for Ipswich Borough Council Proposed Submission Site Allocations and Policies (Incorporating IP-One Area Action Plan) Development Plan Document (The Landscape Partnership, November 2014)

• Habitats Regulations Assessment Addendum for Pre-Submission Modifications to the Ipswich Borough Council Site Allocations and Policies (Incorporating IP-One Area Action Plan) DPD (Proposed Submission stage) (The Landscape Partnership, September 2015)

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 draft Development and Flood Risk SPD to assess whether Habitats Regulations Assessment is needed.

Table 1 Screening of the draft Development and Flood Risk SPD

<b>HRA Step</b>	<b>Plan – Draft Development and Flood Risk SPD</b>
Likely significant impact	<p>The draft Development and Flood Risk SPD would not have a significant effect on European protected sites. The purpose of the SPD is to provide supporting information to the adopted Ipswich Local Plan 2017. The SPD would ensure that applicants submit appropriate information with planning applications, to enable the Council to make an accurate assessment of whether the policy requirements are met. The policies to which the SPD relates were themselves subject to Habitats Regulations Assessment (HRA) through the Local Plan preparation process.</p> <p>The Development and Flood Risk SPD advises applicants of their responsibilities at different application and development stages and where to find information and advice. It sets out the processes for identifying where the sequential test and exception test may be needed, or a site specific flood risk assessment, and what information should be included in such documents.</p> <p>Therefore, the SPD will not itself have any likely significant effects on European protected sites.</p>
Connected to the conservation management of the site	No, the SPD does not relate to the management of a site. The Development and Flood Risk SPD is the amplification of existing Local Plan policies - the 2017 Ipswich Local Plan HRA assessment of the policies outlined in this assessment is of particular relevance.
Screening	The SPD is not connected to the conservation management of the site, but is not likely to have a significant impact. Therefore, an appropriate assessment is not required. However, because of the relationship between the SPD and the adopted Local Plan, the Local Plan HRA of the policies outlined in this assessment is of particular relevance <sup>2</sup> .

The screening assessment above of the Development and Flood Risk SPD refers to the HRA published alongside the preparation of the now adopted 2017 Ipswich Local Plan (see footnote), in relation to:

- Policy DM4 Development and Flood Risk, as this is the policy to which the draft Development and Flood Risk SPD links most closely.

<sup>2</sup> Proposed Submission Core Strategy HRA November 2014, and Addendum September 2015.

## **What were the conclusions of the appropriate assessment?**

The adopted Ipswich Local Plan 2017 was subject to 'appropriate assessment' under the Habitats Regulations as part of its production. The Regulation 19 Appropriate Assessment concluded that there would be no adverse effect on the integrity of European sites through the delivery of the Ipswich Local Plan, 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.

Key mitigation measures included for Ipswich Borough in the Local Plan include:

- the provision of a new Country Park;
- provision of green spaces as part of new development;
- visitor management measures for key European sites; and
- monitoring the impact of recreational pressure on birds in protected sites. To make mitigation delivery more co-ordinated, efficient and effective, a joint and strategic approach, known as the Recreational disturbance Avoidance and Mitigation Strategy (RAMS) is being established by Ipswich Borough Council, in partnership with East Suffolk Council, Babergh District Council and Mid Suffolk District Council.

The draft Development and Flood Risk SPD does not impact on any of these measures. The Regulation 19 stage HRA of the draft Core Strategy and Policies Development Plan Document concluded in relation to policy DM4 that: 'This will not in itself affect any European sites.'

## **Does this SPD need an additional appropriate assessment?**

In supporting policies to manage flood risk in new development in Ipswich, there will not be significant impacts for the Stour and Orwell Estuary SPA and Ramsar site arising from the draft Development and Flood Risk SPD. Similarly, in relation to the identified sites which lie outside the Borough in neighbouring Districts which could potentially be affected by development within Ipswich Borough, there will not be significant impacts.

It can therefore be concluded that there will be no further effects on European sites and that an appropriate assessment is not required.

Natural England have been consulted on this Screening Assessment and have confirmed that they concur with the Council's conclusion.

Date of Screening Assessment: 15<sup>th</sup> June 2021.