



## **Ipswich Borough Council**

### **Examination of**

### **Core Strategy and Policies Development Plan Document (DPD) Review**

### **Site Allocations and Policies (Incorporating IP-One Area Action Plan) DPD**

**Matter 1: Legal Requirements, Duty to Co-operate and Cross-Boundary Issues**

## **Natural England Written Statement to Address the Inspector's Questions**

**26 February 2015**

*Q 1.1 Are the likely environmental, social and economic effects of the plan adequately and accurately assessed in the Habitats Regulations Assessments and the Sustainability Appraisals (SAs)? Do the SAs test the plan against all reasonable alternatives?*

Natural England has the following comments to make in connection with Matter 1.1.

### Habitats Regulations Assessment

We consider the above local plan documents to be compliant with the Conservation of Habitats and Species Regulations 2010 (as amended), (i.e. the Habitats Regulations), and are therefore sound in this respect. We attach our signed Statement of Common Ground (dated 24<sup>th</sup> February) which demonstrates how our responses to the pre-submission main modifications consultations have been taken into account by Ipswich Borough Council and changes made to the plans which ensure compliance with the Regulations. The policy and wording changes we requested are concerned with policies which would be covered by Stage 2 of the examination, however, we have mentioned them in this response to Matter 1.1 as they relate to the Habitats Regulations Assessment and compliance of the plan with the Habitats Regulations.

In particular, our concerns at the pre-submission main modifications stage related to the mechanism for securing the delivery of strategic mitigation measures which were enshrined in the Core Strategy Habitats Regulations Assessment (HRA) to account for increased recreational disturbance measures on European sites arising from new housing in the Borough and in neighbouring districts. We understand that a commitment has now been given by Ipswich Borough Council to develop a visitor access and monitoring and mitigation strategy (to be completed by March 2017) in partnership with neighbouring authorities (Babergh and Suffolk Coastal), to be known as the '*Recreational Avoidance and Mitigation Strategy*'.

In summary, the Statement of Common Ground has confirmed the following to address our concerns:

- The following wording (underlined) will be added to Policy CS17 Infrastructure '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 including for any measures not classified as infrastructure'.
- Paragraph 8.183 (supporting text to policy CS17) will commit to a completion date for the Recreational Avoidance and Mitigation Strategy.
- The council is committed to working with Natural England to agree an interim approach (until the mitigation strategy is completed) for dealing with developments which could have a likely significant effect on European Sites and the delivery of any associated mitigation measures which may be required.
- Changes have been made to the Policy SP8 of the Site Allocations DPD (incorporating IP-One Area Action Plan) which states that 'Project level Habitats Regulations Assessment would be needed for any visitor centre proposal'

In the interim period before the strategy is in place and operational, we will be working with the local authority to develop an interim approach for those developments coming forward which are likely to have a significant effect on a European site. In terms of determining which developments should be taken forward for a HRA, we have recently written to Ipswich Borough Council with our suggested screening criteria (see attached letter dated 25 February 2016 ref: 9988/168632 & 9988/168639). We are therefore satisfied that there will be a mechanism to identify and facilitate

visitor access management measures to ensure that there will be no adverse effect on the integrity of European sites arising from the plans.

We also attach our recent comments on Orwell Country Park Visitor Survey report which has been placed in the public domain since the main modifications consultation. This provides useful evidence in terms of the level of usage of the country park, the distance travelled by visitors and their reasons for visiting, both on foot and by car, and considers the effect of the proposed extension to the Country Park. The findings and limitations of this survey need to be placed into their wider context.

### Ipswich Garden Suburb

The Core Strategy HRA concluded that a new Country Park was needed to provide suitable accessible natural greenspace (SANG) to draw recreational activity away from the coast in addition to visitor access measures on the existing Country Park. The masterplan for the Ipswich Garden Suburb (IGS) includes provision for a new Country Park which also functions as on-site green infrastructure for the development. We have no concerns with the location, size and scale of the new Country Park.

We consider that the new IGS Country Park will need time to mature and is unlikely to draw in visitors during the early stages of its development; giving rise to a residual effect whereby residents are more likely to visit the coast. Hence there is a need for developers of the IGS to contribute financially towards off-site measures. However, this could be a small percentage contribution towards visitor access management on European sites.

Although the new Country Park forms part of the strategic provision of mitigation, we have advised that the majority of financial contributions made by the IGS developers should cover the delivery of the IGS Country Park. The funding of visitor access measures on European sites would therefore be provided largely by other new housing in the Borough. We have suggested dividing the contributions in this way to simplify an otherwise complex situation re the assessment of 'in combination' effects. However, the final decision will need to be made by Ipswich Borough Council after taking all relevant considerations into account.

### Sustainability Appraisals

We have no comment to make in connection with the Sustainability Appraisals.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.



Sarah Fraser  
Senior Adviser, on Behalf of Norfolk and Suffolk Area Team of Natural England



**IPSWICH**  
BOROUGH COUNCIL

**Ipswich Borough Council Core Strategy and Policies Development Plan  
Document (DPD) Review**

**Ipswich Borough Council Site Allocations and Policies (Incorporating IP-One  
Area Action Plan) DPD**

**Statement of Common Ground – Habitats Regulations Assessment**

Date 24<sup>th</sup> February 2016

**Ipswich Borough Council Core Strategy and Policies Development Plan Document  
(DPD) Review**

**Ipswich Borough Council Site Allocations and Policies (Incorporating IP-One Area  
Action Plan) DPD**

Statement of Common Ground – Habitats Regulations Assessment

Date..... 24<sup>th</sup> February 2016 .....

This statement relates to the Habitats Regulations Assessment of the Ipswich Borough Council Core Strategy and Policies Development Plan Document (DPD) Review and the Ipswich Borough Council Site Allocations and Policies (Incorporating IP-One Area Action Plan) DPD.

It has been drawn up in agreement between:

- i) Ipswich Borough Council (IBC) and
  - ii) Natural England (NE).
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**1. Purpose of this Document**

- 1.1 This document has been produced in order to advise the Inspector of the latest position between the relevant parties named above on matters relating to Habitats Regulations Assessment (HRA) for the Ipswich Borough Council Core Strategy and Policies DPD Review (Core Strategy Review) and the Ipswich Borough Council Site Allocations and Policies (Incorporating IP-One Area Action Plan) DPD, hereinafter referred to as the 'Core Strategy Review' and the 'Site Allocations Plan'.
- 1.2 As a result of the matters set out in this Statement of Common Ground NE has no outstanding issues and is content that the Core Strategy Review and Site Allocations Plan is sound.

## 2. Background

- 2.1 The European Habitats Directive<sup>1</sup> requires plans to be subject to an 'appropriate assessment' where they either individually or in combination with other plans or projects would be likely to have a significant effect on a European site's conservation objectives. The identification of mitigation measures forms part of the 'appropriate assessment' process.
- 2.2 European sites are Special Protection Areas (SPAs) and Special Areas Conservation (SACs) and in the UK RAMSAR sites have also been afforded the same level of protection.
- 2.3 The requirements of the Directive are taken forward in England through the Conservation of Habitats and Species Regulations 2010. The Councils, as plan-making authorities, may only bring their land use plans into effect after having ascertained that they will not adversely affect the integrity of a European site. Further, Regulation 61 of the Conservation of Habitats and Species Regulations 2010 the Councils need to ascertain whether a planning application is likely to have a significant effect on a European site(s) and undertake an appropriate assessment where this is the case.
- 2.4 The 2010 Regulations state that the competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representation made by that body. For the purposes of the Ipswich Local Plan, Ipswich Borough Council are the 'competent authority' and Natural England are the 'nature conservation body'.
- 2.5 Ipswich Borough Council commissioned The Landscape Partnership to carry out HRA of the Core Strategy Review and the Site Allocations Plan at key stages of the plans' preparation. Comments were invited, and received, from Natural England at each stage including in relation to the Habitats Regulations Assessment (Appropriate Assessment) for Ipswich Borough Council Proposed Submission Core Strategy and Policies DPD Review<sup>2</sup>, the Habitats Regulations Assessment for Ipswich Borough Council Proposed Submission Site Allocations and Policies (Incorporating IP-One

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<sup>1</sup> European Directive 92/43/EEC

<sup>2</sup> The Landscape Partnership, December 2014, *Habitats Regulations Assessment (Appropriate Assessment) for Ipswich Borough Council Proposed Submission Core Strategy and Policies DPD Review*, Core Document Library (CDL) reference SUCD11

Area Action Plan) Development Plan Document<sup>3</sup> and the Addenda relating to the two reports which accompanied the Pre-Submission Main Modifications<sup>4</sup>. These reports together represent the Habitats Regulations Assessment of the plans as submitted.

- 2.6 In order to address and deliver the mitigation requirements of the HRAs, IBC referred in its Pre-Submission Main Modifications to the Core Strategy Review<sup>5</sup>, to the production of a 'mitigation strategy'. The title of this strategy, which is currently being produced, has since been amended to 'Recreational Avoidance and Mitigation Strategy for Babergh District Council, Ipswich Borough Council and Suffolk Coastal District Council' (referred to hereinafter as 'Recreational Avoidance and Mitigation Strategy').

### 3. Areas of Common Ground

The agreed position of both parties is set out below.

#### 3.1 Policy CS17: Infrastructure

- 3.1.1 In their response to the Pre-Submission Main Modifications consultation, dated 23<sup>rd</sup> November 2015, NE requested the following changes (underlined and in strikethrough below) to the Council's proposed wording to be added to Policy CS17:

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

- 3.1.2 The Council is currently working with Babergh District Council and Suffolk Coastal District Council to develop a Recreational Avoidance and Mitigation Strategy and therefore supports NE's suggested amendments subject to a minor amendment as set out below.

<sup>3</sup> The Landscape Partnership, December 2014, *Habitats Regulations Assessment for Ipswich Borough Council Proposed Submission Site Allocations and Policies (Incorporating IP-One Area Action Plan) Development Plan Document*, CDL reference SUCD13

<sup>4</sup> The Landscape Partnership, September 2015, *Habitats Regulations Assessment Addendum for Pre-Submission Modifications to the Ipswich Borough Council Core Strategy and Policies DPD Review (Proposed Submission stage)*, CDL reference SUCD12

The Landscape Partnership, September 2015, *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)*, CDL reference SUCD14

<sup>5</sup> Ipswich Borough Council, September 2015, *Core Strategy and Policies Development Plan Document Review – Pre-Submission Main Modification*, Core Document Library (CDL) reference SUCD02

'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.'

3.1.3 There is therefore no outstanding objection from NE on this issue.

### 3.2 Policy CS17, paragraph 8.183

3.2.1 In their response to the Pre-Submission Main Modifications consultation, dated 23<sup>rd</sup> November 2015, NE requested a change from the Council's proposed wording:

'The Council is considering the production of a mitigation strategy which would specify the measures required and how these should be delivered and funded'  
to

'The Council will produce a mitigation strategy by [insert date] which will specify the measures required and how these will be delivered.'

3.2.2 The Council is committed to the production of a Recreational Avoidance and Mitigation Strategy with Babergh District Council and Suffolk Coastal District Council. The Council would therefore support the following wording:

'The Council will produce a Recreational Avoidance and Mitigation Strategy by March 2017 which will specify the measures required and how these will be delivered.'

3.2.3 In signing this statement NE confirm that they agree with the Council's proposed wording and that they have no outstanding objection on this issue.

### 3.3 Core Strategy Review Habitats Regulations Assessment

3.3.1 NE's response to the Proposed Submission Core Strategy Review HRA<sup>6</sup>, dated 5<sup>th</sup> March 2015, stated that they would expect individual developments to be subject to project level Habitats Regulations Assessment linking back to elements of mitigation identified at the strategic level.

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<sup>6</sup> The Landscape Partnership, December 2014, *Habitats Regulations Assessment (Appropriate Assessment) for Ipswich Borough Council Proposed Submission Core Strategy and Policies DPD Review*, Core Document Library (CDL) reference SUCD11



3.3.2 As per the paragraphs 3.1 and 3.2 above, the Council is committed to the production of a Recreational Avoidance and Mitigation Strategy upon which work has already begun. This will set the framework for ensuring that individual developments will together deliver the mitigation measures identified in the Core Strategy Review HRA. In signing this statement NE confirm that they agree with the Council's approach and that they have no outstanding objection on this issue.

3.3.3 NE's response to the Core Strategy Review Habitats Regulations Assessment Addendum<sup>7</sup>, dated 23<sup>rd</sup> November 2015, reiterated their request under CS17 and paragraph 8.183 (paragraphs under 3.1 and 3.2 above) for a commitment to the production of a mitigation strategy and stated that this should ideally be prior to adoption of the plan. NE state that if this is not practical there should be a commitment to deliver a strategy by a specified date and an approach to determine what measures need to be delivered in the interim.

3.3.4 As per paragraph 3.2 above, the Council would support a commitment in paragraph 8.183 to the production of a mitigation strategy. In signing this statement NE confirm that they agree with the Council's approach and that they have no outstanding objection on this issue.

3.3.5 In relation to the interim period prior to having the mitigation strategy in place, the Council will work with NE on formulating an approach to securing contributions. In signing this statement NE confirm that they agree with the Council's approach and that they have no outstanding objection on this issue.

#### 3.4 Site Allocations (Incorporating IP-One Area Action Plan) DPD Habitats Regulations Assessment

3.4.1 NE's representations to the Proposed Submission Site Allocations Plan<sup>8</sup> requested the following changes to the plan:

'As part of policy SP8, the Council will investigate further the feasibility of including a visitor centre facility within the site, including any potential impacts on the SPA. This feasibility study should include a separate project level Habitats Regulations

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<sup>7</sup> The Landscape Partnership, September 2015, *Habitats Regulations Assessment Addendum for Pre-Submission Modifications to the Ipswich Borough Council Core Strategy and Policies DPD Review (Proposed Submission stage)*, CDL reference SUCD12

<sup>8</sup> Ipswich Borough Council, November 2014, *Proposed Submission Site Allocations and Policies (Incorporating IP-One Area Action Plan) Development Plan Document*, CDL reference SUCD03

Assessment to examine effects on the SPA. As part of policy SP8, the Council will investigate further the feasibility of including a visitor centre facility within the site, including any potential impacts on the SPA. This feasibility study should include a separate project level Habitats Regulations Assessment to examine effects on the SPA.'

- 3.4.2 As a result, through the Pre-Submission Main Modifications<sup>9</sup> the Council proposed the addition of text accompanying SP8 stating 'Project level Habitats Regulations Assessment would be needed for any visitor centre proposal.' In signing this statement NE confirm that they agree with the Council's approach and that they have no outstanding objection on this issue.
- 3.4.3 NE's representation on the Site Allocations Plan Habitats Regulations Assessment Addendum<sup>10</sup> which accompanied the Pre-Submission Main Modifications consultation, dated 23<sup>rd</sup> November 2015, requested that appropriate management measures for the proposed extension to Orwell Country Park must be referenced and included in the proposed overarching mitigation strategy in order to satisfy the requirements of the Habitats Directive.
- 3.4.4 As already stated, the Council is committed to producing a Recreational Avoidance and Mitigation Strategy with Babergh District Council and Suffolk Coastal District Council and NE's endorsement of the strategy will be sought. NE's request will therefore be taken forward through the production of the strategy. The Council manages Orwell Country Park and is currently working on a management plan for the Country Park which will be informed by the conclusions of the Orwell Country Park Visitor Survey report<sup>11</sup>. In signing this statement NE confirm that they agree with the Council's approach.
- 3.4.5 NE also commented that the proposed visitor centre will require a project-level HRA. Amendments to Policy SP8 of the Site Allocations and Policies (Incorporating IP-One Area Action Plan) DPD proposed through the Pre-Submission Main Modifications include the addition of the following text:

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<sup>9</sup> Ipswich Borough Council, September 2015, *Site Allocations and Policies (Incorporating IP-One Area Action Plan) Development Plan Document – Pre-Submission Main Modifications*, CDL reference SUCD04

<sup>10</sup> The Landscape Partnership, September 2015, *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)*, CDL reference SUCD14

<sup>11</sup> The Landscape Partnership, December 2015, *Visitor Survey for Orwell Country Park*, CDL reference ICD82

'Project level Habitats Regulations Assessment would be needed for any visitor centre proposal.'

NE are therefore satisfied that this comment is adequately addressed.

3.4.6 NE commented that in relation to Pond Hall Farm (i.e. the proposed Orwell Country Park extension) they would appreciate the opportunity to discuss the requirements of the England Coast Path (ECP) in order that the requirements of the ECP and any mitigation measures arising from it are clearly distinguished from any mitigation that might be required from the Council's proposed allocations.

3.4.7 The Council subsequently included reference to considering the potential of the ECP within the Orwell Country Park Visitor Survey report. The ECP is being considered as part of the production of the management plan for Orwell Country Park through discussion with NE.

3.4.8 NE commented that they were unable to agree with the conclusions of the Habitats Regulations Assessment (i.e. no adverse effect on integrity) without further information on the visitor survey and additional wording (in the relevant plan policies), which would provide them with sufficient confidence that there was a legal commitment to deliver appropriate mitigation.

3.4.9 NE provided comments on the brief for the Orwell Country Park Visitor Survey and were invited to make comments on the draft by email dated 27<sup>th</sup> August 2015. No comments were provided but NE were provided with a further opportunity by email dated 2<sup>nd</sup> December 2015. A response was received on 3<sup>rd</sup> December 2015 which confirmed that NE consider the report to be comprehensive and fit for purpose. NE also state that they agree with the findings of the report in general.

3.4.10 In light of this, and the Council's agreement in relation policy changes as outlined under sections 3.1 and 3.2 above, NE are able to agree with the conclusions of the Habitats Regulations Assessments.

*C Dawson-Dulin*

Signed on behalf of Ipswich Borough Council

Date... *24/2/16* .....

*D. Paul*

Signed on behalf of Natural England

Date... *23/02/2016* .....

Date: 26 February 2016  
Our ref: 9988/168632 & 9988/168639  
Your ref: n/a



Andrea McMillan  
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Dear Andrea

### **Visitor survey for Orwell Country Park**

Thank you for inviting us to comment on the report entitled '*Visitor survey for Orwell Country Park*' (The Landscape Partnership, December 2015). The report is comprehensive and fit for purpose. We agree with the methodology used, the interpretation of the results and the conclusions drawn.

The survey provides useful information about visitor numbers and behaviours and references previous research/studies well. The postcode survey provided useful evidence for walking and driving distances for visitors to the Country Park. The questionnaires also revealed interesting responses to mitigation/site management proposals for Pond Hall Farm.

We note that evidence for significant adverse recreational disturbance at Orwell Country Park based on an analysis of bird abundance and distribution by Suffolk Wildlife Trust is inconclusive for all species but as there is evidence of a decline in certain bird species we advise that a precautionary approach is taken and that a likely significant adverse effect from increased recreation is assumed. Indeed, our Site improvement Plan (SIP) for Stour and Orwell Estuaries SPA identifies public access/disturbance as an issue affecting the condition of the Natura 2000 features on the site and outlines the priority measures required to improve the condition of the features. These measures include an investigation into public access/disturbance and a plan to improve user awareness on sensitive areas of the Stour and Orwell Estuaries. Please see the link for further information on the SIP:

<http://publications.naturalengland.org.uk/publication/5591184856580096?category=4873023563759616>

We note that the visitor survey report identifies that an extension to the Country Park to include Pond Hall Farm would have significant benefits to the SPA as well as to visitors, provided that certain management measures are put in place. These measures include a fenced 'dogs off leads' area, a hedgerow/woodland belt to be planted on land alongside the shore, the remainder of land at Pond Hall Farm to be converted to grassland habitat, picnic benches, dog bins, litter bins etc. to attract people from the shore. Paths within Pond Hall Farm connecting Piper's Vale and Bridge Wood, inland of the new shoreline woodland could be designed to make circular walk options of at least 2 – 3 km in length from entry points without the need to visit the shore and disturb birds. This would require an investment in the paths of Bridge Wood as well as into the management of Pond Hall Farm.

We agree with the conclusion that the Country Park extension as proposed (with no Visitor's Centre) with the above mitigation measures would be sufficient to support the conclusion that the proposed



Site Allocations Plan would not have an adverse effect upon the integrity of the SPA in relation to Orwell Country Park. This conclusion is in relation to allocation IP149 Pond Hall Farm, as well as for the whole of the Site Allocations Plan.

However, the visitor survey merely provides a snapshot of usage of the Country Park and a degree of caution is required in extrapolating from the results. For example, although the postcode survey did not show visitors from north Ipswich visiting the Country Park, this does not preclude residents from Ipswich Garden Suburb driving to the site, particularly if the new on-site country park takes a while to become established. For this reason, we suggest that a small proportion of contributions from developers of Ipswich Garden Suburb goes towards strategic access management and monitoring.

To put this survey into the wider SPA context, it only relates to one location on the Orwell Estuary and other locations may be used to access the estuaries by residents from new housing. We understand that an SPA-wide approach is now being taken by the relevant local authorities to produce an overarching strategic mitigation and monitoring plan using the best available evidence; the 'Visitor survey for Orwell Country Park' will provide a useful source of information to inform the strategy.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

Yours sincerely

*AJ Collins*

Alison Collins  
Norfolk & Suffolk Area  
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Date: 25 February 2016  
Our ref: 9988/168632 & 9988/168639  
Your ref: [Click here to enter text.](#)



Andrea McMillan  
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**BY EMAIL ONLY**

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Dear Andrea

**Ipswich Local Plan: Interim advice to ensure new residential development and any associated recreational disturbance impacts on the Stour and Orwell Estuary Special Protection Area (SPA) and Ramsar Site are compliant with the Habitats Regulations 2010 (as amended).**

Natural England welcomes the fact that Ipswich Borough Council is working in partnership with Babergh and Suffolk Coastal District on a Recreational Avoidance and Mitigation Strategy. The purpose of which is to outline the strategic mitigation measures required to address recreational disturbance resulting from their local plans on the Stour and Orwell Estuary SPA and Ramsar site. However, until this strategy has been produced an interim approach is required to ensure any residential development coming forward, which has the potential to impact on the SPA and Ramsar site, is properly assessed and where necessary, mitigated.

This interim advice is provided by Natural England as a way forward to assist Ipswich Borough Council with this interim period to ensure any residential development coming forward is compliant with the Habitats Regulations, until the Recreational Avoidance and Mitigation Strategy has been produced and is operational (completion date is March 2017). The advice is based on the findings of the Habitats Regulations Assessment (HRA) of the Ipswich Core Strategy which concluded that mitigation measures for Ipswich should include:

- Provision of a new Country Park or similar high quality provision to the north or north-east of Ipswich;
- Management measures in relation to Orwell Country Park (south east Ipswich);
- Provision of green spaces as part of new development;
- Implementation of policy CS16 as far as this relates to creation of publicly accessible greenspaces and corridors;
- Visitor management measures for key European sites in the Suffolk Coast and Heaths AONB; and
- Monitoring the impact of recreational pressure on birds in protected sites.

This advice specifically applies to the recreational impacts that may occur on the bird interest features of the SPA. The interest features of the SPA can be summarised as breeding avocet and over-wintering and passage wildfowl and wading birds. For more information, please see <http://jncc.defra.gov.uk/pdf/SPA/UK9009121.pdf> . The Ramsar site features are also considered alongside the SPA features; these include saltmarsh plant species and

invertebrates in addition to breeding and wintering birds. For more information, please see <http://jncc.defra.gov.uk/pdf/RIS/UK11067.pdf> .

The purpose of this advice is to give an indication to the council on what issues should be considered as part of the screening process which is the first step in a HRA. Any residential development which falls within 8Km driving distance or 1Km walking distance ('trigger distances') from the SPA will need to be subject to a HRA<sup>1</sup>. The first stage of this process needs to determine whether there are likely significant effects (LSE) either alone or in combination with other plans or projects; this is often referred to as the screening stage. When undertaking this stage of the HRA process the following factors should be considered to help determine whether or not there are any likely significant effects (see Annex 1 for further details):

- The scale of development (e.g. minor 1-10 units, moderate 11-1000 units or large 1000 + units)
- The setting of the development (e.g. urban, rural or a village)
- Proximity of the development to access points (e.g. car parks and public rights of way)
- Sensitivity of the SPA at the relevant access points (e.g. are there key roosting sites in close proximity to the site access or key feeding areas?)
- Whether the SPA is currently used for recreational purposes (e.g. establishment of existing baseline for recreational use)
- Whether recreational use of the site is currently managed or zoned (e.g. natural zoning where paths are bounded by ditches?).

If as a result of the screening stage a conclusion of likely significant effect is reached there are two options available, as follows:

- a) The proposal is amended to include suitable mitigation measures to remove any likely significant effects, or
- b) The proposal remains unchanged and the appropriate assessment stage of the HRA is undertaken to determine whether the proposal will have an adverse effect on the integrity of the SPA.

### **Other types of residential development**

Natural England advises that the following types of residential development within the 8Km zone of the SPA should also be subject to screening for likely significant effects:

- Houses in Multiple Occupancy
- Student Accommodation
- Hotels/guest houses
- Residential care homes and residential institutions

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<sup>1</sup> These distances were identified in Appropriate Assessment for Ipswich Borough Council Proposed Submission Core Strategy and Policies 1 September 2009; see section 5.4.3



- Camp sites and caravan sites.

### **Interim approach to Avoidance and Mitigation Measures**

Natural England advises that the interim approach needs to be based on the following requirements:

- That appropriate funding is collected on the basis that it can be used to fund strategic measures across the Stour and Orwell Estuary SPA. The amount collected, may, however, need to be revised as the specific detail of the mitigation strategy is finalised.
- Ensuring a delivery mechanism for the agreed measures is secured and the measures are implemented from the first occupation of dwellings and is proportionate to the level of housing development. Thereby ensuring that the level of recreational disturbance is not increased by future residential development.
- The scale of development that will trigger a contribution to mitigation is determined, to ensure the impacts from the overall quantum of housing is funded and delivered (see section on 10 or fewer houses below).
- In this interim period the council may wish to consider identifying and funding specific projects which are necessary to improve existing environmental assets used for recreational purposes and which can be delivered over the next year e.g. specific projects in relation to improving or managing access at the Orwell County Park. Identifying projects to be funded now can provide certainty and reduce the risk of receiving funds without a delivery mechanism in place. Natural England is happy to provide further advice on any such proposals or projects.

### **10 or fewer dwellings**

Natural England understands that during this interim period in some instances it may be inefficient to seek contributions for strategic mitigation from applications for 10 or fewer dwellings. Whilst it must be recognised that where new dwellings within the zone of influence are found to have a likely significant effect in-combination, we consider it is a matter for your authority to consider how the mitigation should be funded. In coming to a decision on this it is necessary for you to ensure that the overall sum of money required is collected to deliver the necessary mitigation for the total quantum of housing which is having the impact. If it is decided to exclude applications for 10 or fewer dwellings from contributing towards mitigation it would mean that developments above this size threshold would need to cover the cost of the excluded dwellings. Unless your authority can identify a mechanism in this interim period for ensuring the impacts of any excluded dwellings are addressed our advice would be that all new housing within the zone of influence found to have a likely significant effect contribute to mitigation by a suitable mechanism.

We would be happy to discuss this further or if you require any further clarification then please do not hesitate to contact us.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Fraser' with a stylized flourish at the end.

Sarah Fraser  
Senior Adviser – on behalf of Norfolk and Suffolk Area Team

**Annex 1: Recreational Disturbance Issues and Information required assessing whether residential development will have likely significant effects on the Stour and Orwell Estuary Special Protection Area.**

Issue	Information required
Establish the importance of the area for birds	<ul style="list-style-type: none"> <li>• Identify the designated bird features for the area.</li> <li>• Identify sensitive bird areas including roost sites (e.g. within saltmarsh at high tide) or foraging sites (e.g. on mud flats exposed at low tide).</li> </ul>
Establish the sensitivity to disturbance	<ul style="list-style-type: none"> <li>• Is the site accessible?</li> <li>• Are there access points to the site e.g. car parking areas official or unofficial?</li> <li>• Are there naturally zoned areas (e.g. paths bounded by ditches) which would reduce the potential for impacts.</li> <li>• What is the current baseline for recreational use?</li> <li>• Where recreational activity is taking place how is it being used e.g. dog walkers, walking, jogging, bait digging, cycling, boating, fishing etc.?</li> </ul>
Estimate the additional disturbance as a result of the proposed development	<ul style="list-style-type: none"> <li>• Estimate of the likely number of additional users (new resident population arising from the proposal (e.g. using 2.4 people average per household).</li> <li>• What is the percentage increase? e.g. what may appear a low number of houses may represent a high overall increase in local residential population and vice versa).</li> <li>• Dogs off leads are a concern so an estimate of the number of additional dog walks (national average is that 30% of households own dogs).</li> <li>• Consider seasonality particularly in relation to Caravan parks or holiday lets.</li> </ul>

**Assessment of overall impacts within the HRA trigger distances**

**Low impact overall: HRA screening will be required to determine whether there is a LSE.** A conclusion of no LSE from the project **alone** is likely where:

- The scale and nature of the development in the context of its setting means that impacts can be considered inconsequential or *de minimis*

- There are no access points to the SPA within the trigger distances and/or access to the SPA within the trigger distances is currently well managed/zoned and/or there are no key feeding areas or roosts within the trigger distances
  - There is predicted to be a low percentage increase in visitor use resulting from proposed development.
- i) Where a conclusion of no LSE from the project **alone** is reached due to inconsequential or *de minimis* impacts, there is no need to consider the project in combination with other plans/projects
  - ii) Where a conclusion of no LSE from the project **alone** is reached but there may be residual impacts, the project should then be screened for **in combination** impacts

**Moderate impact overall: HRA screening will be required to determine whether there is a LSE.** A conclusion of LSE from the project **alone** is likely where:

- Access points to the SPA are present within the trigger distances which may or may not be zoned or managed
- Sensitive (roosting or feeding areas) / undisturbed areas of the SPA are present within the trigger distances and a moderate amount of recreational use is already taking place
- There is predicted to be a moderate percentage increase in visitor use resulting from proposed development.

**High Impact overall: Likely significant effect, Appropriate Assessment stage required, and may be damaging to SSSI.** This conclusion is likely where:

- Key access points to the SPA including car parks and/or key roosts and feeding areas are present within the trigger distances and these locations are currently undisturbed/there is no recreational use of the site.
- There is predicted to be a high percentage increase in visitor use resulting from proposed development.