



Breckland
COUNCIL

Yaxham Neighbourhood Plan Review

Habitat Regulation Assessment

Screening Report

October 2024

Contents

1.	Introduction and Legislative Background	2
2.	Legislative background	2
3.	Identification of Designations.....	3
4.	Screening Assessment	5
5.	Consultee responses.....	13
6.	Conclusion	14
7.	Appendix 1.....	16
	Natural England.....	16
	Norfolk County Council	17
8.	Appendix 2.....	18

1. Introduction and Legislative Background

- 1.1 This Habitat Regulations Assessment Report has been undertaken in order to support the Yaxham Neighbourhood Plan Review (YNP Review) which is being produced by the Yaxham Parish Council in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.2 The aim of this report is to assess whether there are likely to be any significant effects on European Designated Site as a result of the emerging policies set out in the emerging Neighbourhood Plan that would need the production of a full Habitat Regulations Assessment (HRA), also known as an Appropriate Assessment.
- 1.3 This report considers the potential for likely significant effects (LSE) in relation to the qualifying features of European Designated Sites within or relatively proximate to the approved Neighbourhood Plan area, which comprises the civil parish of Yaxham Neighbourhood Plan (Stage 1 of the HRA process).
- 1.4 This assessment has been undertaken by Breckland District Council.

2. Legislative background

- 2.1 Article 6(3) of the EU Habitats Directive states that:

Any plan or project not directly connected with, or necessary to, the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public

- 2.2 The purpose of the Habitat Regulations Assessment (HRA) is therefore to ensure protection of European Designated Sites (Natura 2000) wherever practicable. European Designated Sites are designed to form an ecologically coherent network of designated spaces across Europe.
- 2.3 European Designated Sites, (Natura 2000) include Special Protection Areas (SPAs) and Special Areas for Conservation (SAC). As a matter of policy the government also expects authorities to treat Ramsar sites, candidate Special

Areas of Conservation (cSAC) and proposed Special Protection Areas (pSPA) as if they are European Designated Sites for the purpose of considering development proposals that may affect them.

Definitions (taken from the DEFRA- Joint Nature Conservation Committee)

- Special Protection Areas (SPAs)
- Special Areas of Conservation (SACs)
- Ramsar sites

- 2.4 The Neighbourhoods 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 include the need to undertake a Habitat Regulations Assessment.
- 2.5 Regulation 32 of the 2012 Regulations prescribes a further basic condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017), either alone or in combination with other plans or projects.
- 2.6 Government guidance indicates that an appropriate assessment for a more strategic plan, such as the Local Plan, can consider the impacts on sites and confirm the suitability or likely success of mitigation measures for associated non-strategic policies and projects. An individual assessment of non-strategic policies and projects may not be necessary in some limited cases where the strategic appropriate assessment is sufficiently robust. This would need to contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt on the impacts of the non-strategic policies (e.g. Neighbourhood Plan) and/or project(s). As long as these measure have been properly considered in a recent plan, and the development will not create additional risks of a significant effect on a habitats site, there may not be a need for further assessment at the non-strategic level.
- 2.7 Currently Breckland District Council have an adopted Local Plan that has been subjected to a Habitat Regulation Assessment. The current version of this is the Breckland Local Plan Habitats Regulation Assessment at Publication Stage; Footprint Ecology, 2019.

3. Identification of Designations

The first step in producing this Habitat Regulation Assessment Report involves the identification of European Designated Sites (referred to as ‘Habitat Sites’ in the NPPF) within the Yaxham Neighbourhood Plan Review (YNP Review) area itself, or in close proximity to it, or sites beyond that may be impacted by the YNP Review proposals, European Designated Sites were identified using open- source software provided by DEFRA (Magic).

- 3.1 Norfolk Valley Fens is one of two sites selected in East Anglia, where the main concentration of lowland Alkaline fens occurs. This site comprises a series of valley-head spring-fed fens. Such spring-fed flush fens are very rare in the lowlands. Most of the vegetation at this site is of the small sedge fen type, mainly referable to M13 *Schoenus nigricans* – *Juncus subnodulosus* mire, but there are transitions to reedswamp and other fen and wet grassland types. Six other Annex I habitats are present as qualifying features, but are not a primary reason for the selection of this site. Two Annex II species are present, narrow-mouthed whorl snail and Desmoulin's whorl snail are also a primary reason for the selection of the site. (Natural England SIP 2014).
- 3.2 The Norfolk Valley Fens SAC is underpinned by the designation of the site in UK legislation as Badley Moor Site of Special Scientific Interest (SSSI). This shares the same boundary.
- 3.3 The designated sites are sensitive to impacts from:
 - Changes in water levels
 - Hydrological changes
 - Water pollution
 - Water abstraction
 - Inappropriate management i.e. leading to scrub encroachment, inappropriate cutting/mowing regime, under or over grazing,
 - Colonisation and dominance of non-native invasive species (namely Himalayan balsam, orange balsam and *Crassula helmsii*)
 - Air pollution
 - Recreational pressure.
- 3.4 Many of the above impacts are likely to result from agricultural management of the site and the surrounding areas which can affect the site from diffuse pollution. Part of the site is also common and open access land which can make

management of impacts resulting from increases in recreational pressure difficult.

- 3.5 In considering potential effects of this plan regard has been given to whether the implementation of the policies will ensure the conservation objectives for the European Sites are achieved and whether any significant effects are likely. In considering which sites may require consideration as part of this screening assessment, the following sites have been identified within a 20km radius and areas based on Nutrient Neutrality catchments.

Designated site	Distance from MP boundary	Include in screening assessment
Norfolk Valley Fens (SAC)	0.8146 km	Yes
River Wensum (SAC)	9.5km	Yes
The Broads (SAC)	19.5km	Yes
Broadland Ramsar Site	19.5 km	No
Breckland (SAC)	17.0 km	No
Broadland (SPA)	19.5km	No
Breckland (SPA)	17.0 km	No

- 3.6 Nutrient Neutrality is a means to ensure that new developments do not add existing nutrients within vulnerable watercourses. Breckland District Council received a letter dated 16 March 2022 from Natural England concerning nutrient pollution in the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site. This means that development within the catchment of the River Wensum and Broads would cause potential harm to these international sites. The Broads (SAC) has been included as Yaxham is included in the Nutrient Neutrality Catchment Area. Despite the relative distance of this neighbourhood plan to The Broads (SAC) , as a potential mechanism for harm exists, it is included within the screening assessment.
- 3.7 The Norfolk Fens SPA and River Wensum (SAC) are also screened in for consideration in this assessment. No other European Designated Sites have been considered in this assessment as the nearest component units of which are considered sufficiently distant (over 12km) that no likely significant effects are likely to occur from the policies of the YNP Review.
- 3.8 For clarity it is confirmed here that the Yaxham Neighbourhood Plan is not directly connected with, or necessary to, the conservation management of the European Sites.

3.9 The next step in the assessment is to undertake a screening as to establish whether the proposed policies could have a significant effect on the European Designated Sites. Specifically, the assessment considers potential effects that the policies may have on the ‘qualifying features’ of the European Designated Sites.




4. Screening Assessment

4.1 Stage 1 of the HRA process is a screening assessment. The table below provides an assessment of any likely significant effect of each Neighbourhood Plan Policy on the European Designated Site. The Yaxham Neighbourhood Plan Review is at a pre-submission consultation stage (Reg 14). The Review considers and updates the Neighbourhood Plan that was made in 2017. This Plan was the subject of a SEA and HRA Screening Assessment that concluded that no Assessment was required¹.

4.2 The changes being proposed in the Review can be summarised as follows:

- Policy HOU2: Housing Density – deletion of the first sentence.
- Policy HOU7: Affordable Homes for Local People – reworded to enable people with a local connection to the parish of Yaxham to have priority in accessing Affordable Homes.
- Policy ENV3: Green Infrastructure – one new area for designation as Local Green Space has been identified - Land to the East of St Peter’s Close and adjacent to the existing footpath leading to Mill Lane.
- Other updates and corrections: Mainly attributed to the latest version of the National Planning Policy Framework (NPPF) and the adoption of the Breckland Local Plan.
- The remaining policies of the NP4Yaxham will be ‘saved policies’ and remain unaltered.

Key

-  No likely significant effect (NLSE) on the internationally designated sites’ qualifying features
-  Likely significant effect (LSE) on the internationally designated sites’ qualifying features.
-  Uncertain whether it is NSLE or LSE.

¹ <https://www.breckland.gov.uk/neighbourhood-planning/yaxham>

Neighbourhood Plan policy	Comments	Likely effect in identified sites
		Norfolk Valley Fens SAC
STR1- The Strategic Gaps	This Policy does not seek to deliver new unsustainable development and includes policies to respect the Strategic Gap (1) and environmental sensitivities between the SAC and Yaxham village. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
HOU1- Location of new residential development	<p>This Policy seeks not to permit new development beyond the current settlement boundary.</p> <p>However, indirect impacts could occur to the SAC e.g. drainage or damage resulting from increased recreational access to the SAC through an increase in population numbers.</p> <p>All applications for new developments will need to be designed to avoid impacts to the SAC. All developments, including any exceptions for future proposals for development outside the current settlement boundary, need to demonstrate they can avoid or mitigate any likely significant direct or indirect effects. Where significant effects are likely or unknown an Appropriate Assessment will be required to be assessed alone and in combination with other plans or projects and the development can only be permitted if significant effects are avoided or adequately mitigated for.</p> <p>As long as the above considerations are considered in determining applications for new residential developments the policy is unlikely to have a significant effect on any of the qualifying features.</p> <p>Policy wording should ensure that new residential development will be permitted in principle on suitable sites within the development boundary as long as this does not negatively affect Badley Moor SSSI and Norfolk</p>	NLSE
	Valley Fens SAC either through direct or indirect impacts. In the list of exceptions one should be added "It is determined that no likely significant effects will occur to Norfolk Valley Fens SAC"	

<p>HOU2- Housing density</p>	<p>This Policy does not seek to deliver new housing development. The Policy seeks to only permit development at a low density of approximately 20 dwellings per hectare within or abutting the development boundary only to maintain the general level of low density housing in the parish.</p> <p>Any new developments brought forward will need to be assessed for any likely significant effects e.g. relating to hydrology and recreational impacts to the SAC, part of which is common and open access land. Where significant effects are likely or unknown an Appropriate Assessment will be required to assess the proposals alone and in combination with other plans or projects and the development can only be permitted if significant effects are avoided or adequately mitigated for.</p> <p>As long as the above considerations are considered in determining applications for new residential developments the policy is unlikely to have a significant effect on any of the qualifying features.</p> <p>Policy wording should ensure that all developments will need to be designed to avoid direct or indirect impacts to the Norfolk Valley Fens SAC which abuts the parish boundary such as changes to hydrology and impacts from recreation resulting from an increase in population from new housing.</p>	<p>NLSE</p>
<p>HOU3- Scale of residential development</p>	<p>This Policy seeks to permit new development consisting of 10 homes or under on a single site.</p> <p>A single development alone is unlikely to have significant effect on the SAC. However, the policy requires that any development above this threshold comprises benefits that outweigh any adverse impacts and this would include adverse impacts to the SAC. Any proposals brought forward will need to be assessed alone and in combination for direct and indirect impacts e.g. hydrological and recreational impacts to the SAC, part of which is common and open access land.</p> <p>It is, therefore, unlikely to have a significant effect on any of the qualifying features.</p> <p>Wording of the policy should ensure that all developments will need to be designed to avoid or mitigate likely significant effects to the Norfolk Valley Fens SAC, both alone and in combination with other developments and it does not cause direct or indirect effects on the Norfolk Valley Fens SAC.</p>	<p>NLSE</p>
<p>HOU4- Existing land use</p>	<p>This Policy does not seek to directly deliver new development. It is, therefore, unlikely to have a significant effect on any of the qualifying features.</p>	<p>NLSE</p>

HOU5- Housing mix	This Policy does not seek to directly deliver new development and deals with mix of types. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
HOU6- Design	This Policy does not seek to directly deliver new development, as it deals with design. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
HOU7- Affordable housing	This Policy does not seek to directly deliver new development. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
ENV1- The rural village nature of Yaxham	This Policy does not seek to deliver new development and is related to the nature of development in Yaxham village. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
ENV2- Dark skies	This Policy does not seek to deliver new development and aims to limit impacts of lighting associated with developments. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
ENV3- Conservation Area & Heritage Assets	This Policy does not seek to deliver new development. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
ENV4- The local environment	This Policy is intended to enhance the natural environment and could provide positive landscape scale connectivity to the SAC.	NLSE
ENV5- Local green space designation	This Policy is intended to enhance the natural environment by designating Local Green Space and is unlikely to have a direct impact on the SAC's qualifying features. There is potential that by providing local green space near to the development boundary this will avoid indirect recreational impacts to the SAC by concentrating local recreation away from the protected site.	NLSE
ENV6- Prevention of flooding	This Policy is intended to enhance the natural environment by requiring any proposals for new development within flood risk areas or of 5 properties or more are required to provide Surface Water Management Plans. These will need to demonstrate no pollution impacts are likely to result to water flows to the River Tud which could impact on the qualifying features of the SAC. The policy is, therefore, unlikely to have a significant effect on any of the qualifying features and ensures suitable assessments of impacts to the SAC are made.	NLSE

ENV7- Sewerage provision	This Policy does not seek to deliver new development but control provision for sewage management of new developments. As developments are brought forward assessments of specific sewage and drainage proposals will need to address impacts to the qualifying features of the SAC as existing drainage systems lead to the River Tud which could impact on the protected site. It is, therefore, unlikely to have a significant effect on any of the qualifying features and provides a mechanism for ensuring suitable assessments of impacts to the SAC are made.	NLSE
ENV8- Sustainable development	This Policy does not seek to deliver new development. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
ENV9- Rights of way & footpaths	This Policy does not seek to deliver new development. It is, therefore, unlikely to have a significant effect on any of the qualifying features. It is important that in implementing this policy consideration of increases in recreational impacts to the SAC is considered and negative impacts avoided.	NLSE
ECN1- New economic development	This Policy does not seek to deliver new development and requires new economic development to avoid unacceptable environmental impacts. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
ECN2- Economic development policy	This Policy is solely related to connection to fast or superfast broadband and does not seek to deliver new development. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
TRA1- Traffic and sustainable transport	This Policy seeks to deliver sustainable transport and minimise generation of traffic. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
TRA2- Parking	This Policy does not seek to deliver new development but specifies requirements for parking provision within developments. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
COM1- Existing parish-based community services	This Policy does not seek to deliver new development. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE
COM2- Developer funding priorities	This Policy does not seek to deliver new development. It is, therefore, unlikely to have a significant effect on any of the qualifying features.	NLSE

5. Consultee Responses

- 5.1 Following the consultation process undertaken through October and November 2024 responses were received from Natural England, Norfolk County Council and the Environment Agency, included in Appendix 1.
- 5.2 Norfolk County Council agrees with the conclusion of the draft screening assessment that the Yaxham Neighbourhood Plan will not have any significant environmental effects. Therefore, it does not require a Habitat Regulation Assessment.
- 5.3 Natural England stated on the basis of the material supplied, significant effects on statutory designated nature conservation sites or landscapes are unlikely, and significant effects on Habitats Sites, either alone or in combination, are unlikely.
- 5.4 The Environment Agency stated they have no comments to make at this stage.

6. Conclusion

- 6.1 This screening assessment suggests that it is unlikely that there would be significant negative effects on the European Designated Sites on the majority of the policies.
- 6.2 The Yaxham Neighbourhood Plan Review does not seek to increase does not seek to increase dwelling numbers and where development is proposed often the policy outlines that it should be appropriate in character, scale and design to Yaxham and only where the benefits of the development significantly outweigh the risks. Therefore, the number of pedestrians, cyclists and horse riders should remain relatively similar to the current number, and the need for provision of public parking is unlikely to increase. In conclusion, it is considered that there is unlikely to be significant effects on the Norfolk Valley Fens SAC, The Broads SAC or the River Wensum. Based upon the submitted draft, a full Appropriate Assessment (Habitat Regulations Assessment) is not required.
- 6.3 In light of this assessment, it is concluded that the emerging Yaxham Neighbourhood Plan Review is not likely to have significant environmental effects and accordingly will not require a Strategic Environmental Assessment. The main reasons for this conclusion are as follows:
- The YNP Review does not seek to increase dwelling numbers, and subsequently the population of the area
 - The YNP Review only seeks to increase public parking where it is necessary for increased development and to reduce on road parking.
 - The YNP Review policies add detail to strategic policies within the Breckland Local Plan. These strategic policies have been subjected to a HRA screening.
 - This report is bases on the Screening Assessment request on the Regulation 14 version of the YNP review. Should the contents of the plan subsequently differ from this version, there may be a requirement to revisit this Screening Assessment.
 - A copy of this report will be available online on the Breckland District Council website, and for inspection at the Breckland District Council Offices, Elizabeth House, Walpole Loke, Dereham, Norfolk, NR19 1EE.

7. Appendix 1

Natural England

Date: 26 November 2024
Our ref: 490768
Your ref: Yaxham Neighbourhood Plan Reviewed



Mr James Faulkner
Breckland Council

BY EMAIL ONLY
Planning.PolicyTeam@breckland.gov.uk

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Mr Faulkner

Yaxham Neighbourhood Plan Reviewed - SEA Screening & HRA Assessment Consultation

Thank you for your consultation on the above dated and received by Natural England on 16 October 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Screening Request: Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)

It is Natural England's advice, on the basis of the material supplied with the consultation, that:

- **significant effects on statutorily designated nature conservation sites or landscapes are unlikely; and,**
- **significant effects on Habitats sites¹, either alone or in combination, are unlikely.**

The proposed neighbourhood plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SAC), Special Protection areas (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs ('candidate SACs', 'possible SACs', 'potential SPAs') or a Ramsar wetland. The plan area is unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined.

Guidance on the assessment of Neighbourhood Plans, in line with the Environmental Assessment of Plans and Programmes Regulations 2004 is contained within the [Planning Practice Guidance](#). This identifies three triggers that may require the production of an SEA:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

Natural England does not hold information on the location of significant populations of protected

¹ Habitats sites are those referred to in the [National Planning Policy Framework](#) (Annex 2 - glossary) as "any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites".

species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require an SEA. Further information is included in Natural England's [standing advice](#) on protected species.

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant an SEA. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission [standing advice](#).

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a SEA is necessary.

Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If a SEA is required, Natural England must be consulted at the scoping and environmental report stages.

Please send any new consultations, or further information on this consultation to consultations@naturalengland.org.uk

Yours sincerely

Sally Wintle
Consultations Team

Norfolk County Council



Norfolk County Council Comments on the: Draft Screening Assessment Reports for the Yaxham Neighbourhood Plan 09 December 2024

1. Preface

- 1.1. The officer-level comments below are made without prejudice, the County Council reserves the right to make to any further comments the County Council may have on future iterations of the emerging Neighbourhood Plan.
- 1.2. The County Council welcomes the opportunity to comment on the emerging Neighbourhood Plan and recognises the considerable amount of work and effort which has been put into developing the Plan to date.

2. Natural Environment

- 2.1. One minor comment in the Habitat Regulation Assessment Screening Report October 2024, paragraph 4.1.: "The Review considers and updates the Neighbourhood Plan that was made in 2027". Should this be 2017?
- 2.2. One minor comment re the Strategic Environmental Assessment Screening Report October 2024, paragraph 3.1.: "The Review considers and updates the Neighbourhood Plan that was made in 2027". Should this be 2017?
- 2.3. Should you have any queries with the above comments please contact the Natural Environment Team at neti@norfolk.gov.uk.

3. Public Health

- 3.1. Public Health are in agreement that the NP doesn't require an SEA as it's unlikely there will be any direct health impacts. However, we request that those developing the plan follow our published guidance on [Health in Neighbourhood Planning](#).
- 3.2. This guidance sets out the evidence base for developing healthy neighbourhood plans and includes examples of good practice which can be adapted.
- 3.3. Should you have any queries with the above comments please contact Public Health at phplanning@norfolk.gov.uk

Environment Agency

Good afternoon,

Thank you for consulting us on the above Neighbourhood Plan Review. We have no comments to make at this stage.

We encourage you to seek ways in which your neighbourhood plan can improve the local environment. For your information, together with Natural England, Historic England and Forestry Commission we have published joint guidance on neighbourhood planning, which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at: [How to consider the environment in Neighbourhood plans - Locality Neighbourhood Planning](#)

Kind regards,

Neve

Neve Cooper | Sustainable Places Planning Adviser | East Anglia area
Environment Agency | Icen House, Cobham Road, Ipswich, Suffolk IP3 3JD