



Shadow Habitats Regulations Assessment (sHRA)

-

**Yews Farm**

**Blue Gowt Lane**

**Pinchbeck**

**Lincolnshire**

-

August 2022

## DETAILS OF THE PLAN OR PROJECT

<b>Site Location / Address</b>	Yew Farm, Blue Gowt Lane, Pinchbeck, Lincolnshire
<b>Central Grid Reference</b>	TF 24240 24641
<b>Overview of the Site</b>	<p>The site is located to the south of Pinchbeck, north of Spalding, Lincolnshire, and is bound by residential development to the north, east and south, with open countryside to the west. Habitats within the site are dominated by arable, with occasional bare ground, bound by ditches and hedgerows.</p> <p>The site benefits from allocation (Pin045) for residential development within the adopted South East Lincolnshire Local Plan 2011-2036 (Phases 1 and 2 of the Vernatts Sustainable Urban Extension).</p>
<b>Summary of Proposals</b>	The proposals are for residential development with associated landscaping and access infrastructure, and extensive areas of public open space, submitted as a hybrid planning application comprising a detailed application for 100 new dwellings and outline application for up to 300 new dwellings within part of Phase 1 of the Vernatts Sustainable Urban Extension.
<b>Date of Issue</b>	30/08/2022
<b>Report Reference</b>	22036 – sHRA

## CONTENTS

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
<b>2</b>	<b>Relevant Legislation and Policy .....</b>	<b>2</b>
<b>3</b>	<b>Assessment Methodology .....</b>	<b>3</b>
<b>4</b>	<b>Stage 1 – Initial Scoping and Screening .....</b>	<b>5</b>
<b>5</b>	<b>Conclusions .....</b>	<b>17</b>

# **1 Introduction**

## **1.1. Background**

- 1.1.1.** Allied Ecology has been appointed by Ashwood Homes Ltd to prepare a shadow Habitats Regulations Assessment (sHRA) in respect of Yews Farm, Blue Gowt Lane, Pinchbeck, Lincolnshire.

## **1.2. Basis of Reporting**

- 1.2.1.** The purpose of this assessment is to provide sufficient information to enable the competent authority (South Holland District Council) to undertake a Habitats Regulations Assessment of the proposed development at this allocated site (Pin045).

## **1.3. Author's Experience**

- 1.3.1.** The author is a Chartered Ecologist and Full Member of the Chartered Institute of Ecology and Environmental Management (MCIEEM), with over 14 years of relevant experience within a consultancy setting, and is suitably qualified to assess the potential for the proposals to have likely significant effects on relevant designations.

## 2 Relevant Legislation and Policy

### 2.1. Legislation

- 2.1.1. All areas in England classified as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), collectively known as European sites, receive statutory protection under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'). These Regulations transpose into UK legislation the 'Habitats Directive' 1992 (92/43/EEC) and the 'Birds Directive' 2009 (2009/147/EC).

### 2.2. Policy

- 2.2.1. The National Planning Policy Framework (NPPF) (revised July 2021)<sup>1</sup> clearly sets out that Ramsar designations should also be treated in the same manner as SACs and SPAs.
- 2.2.2. The Regulations impart a duty on Local Planning Authorities (competent authorities) to carefully consider whether any proposals may have a significant effect on a European site, either alone or in combination with other plans or projects. In most circumstances, permission may only be given for a plan or project to proceed if it has been ascertained that it will not have an adverse effect on the integrity of any such designation.
- 2.2.3. Policy 28 of the adopted South East Lincolnshire Local Plan 2011-2036 'the natural environment'<sup>2</sup> identifies that 'major' housing proposals within 10km of The Wash and the North Norfolk Coast European Marine Site should be the subject of a 'project-level' Habitat Regulations Assessment, in order to assess the potential for impacts arising from recreational pressure. As such, Policy 28 establishes a Zone of Influence for potential recreational pressure on this designation of 10km, for major housing proposals.
- 2.2.4. Policy 28 also identifies that planning applications submitted in relation to the site allocation Pin045 should be the subject of a project-level Habitat Regulations Assessment, despite it being located beyond 10km of the relevant designations. The site's allocation was included within the Habitats Regulations Assessment of the Local Plan which sets out avoidance and / or mitigation measures that could be implemented, where project-level Habitats Regulations Assessment concludes that these may be required.

---

<sup>1</sup> Ministry of Housing, Communities and Local Government (July) *National Planning Policy Framework*

<sup>2</sup> South East Lincolnshire Local Plan 2011-2036 'the natural environment' <http://www.southeastlincslocalplan.org/adopted-plan/>

### 3 Assessment Methodology

- 3.1.1. In order to assess projects that are not directly / physically connected with, or necessary to the management of the relevant designation, a structured process is in place that follows three broad stages, summarised below, as set out within the NPPF and accompanying ODPM circular 06/2005<sup>3</sup>, whilst further detail is provided by European Commission guidance relating to the Habitats Directive<sup>4,5</sup>.

#### 3.1. Stage 1 – Initial Scoping and Screening

- 3.1.1. Under Stage 1, it is necessary for the competent authority to examine whether the proposals will result in a 'likely significant effect(s)' on the internationally important features of the European site, either alone or in combination with other plans or projects.
- 3.1.2. If it can be objectively concluded that there are unlikely to be significant effects on a relevant European site, no further assessment is necessary and permission should not be refused.
- 3.1.3. Should it be determined that (in the absence of mitigation, compensation or avoidance measures) a plan or project could result in a 'likely significant effect(s)' on the internationally important features of the European site, either alone or in combination with other plans or projects (or that such effects cannot be ruled out), the competent authority should proceed to the next stage, where further assessment is required.
- 3.1.4. Following the Court of Justice of the European Union (CJEU) ruling (People over Wind, Peter Sweetman v Coillte Teoranta, Case C-323/17, dated 12 April 2018), measures intended to avoid or reduce the harmful effects of a plan or project on a European site should not be taken into account at this screening stage, and instead these must be considered as part of an Appropriate Assessment (Stage 2).

#### 3.2. Stage 2 – Appropriate Assessment

- 3.2.1. Under the Stage 2, it is necessary for the competent authority to determine whether the proposals, either alone or in combination with other plans or projects, will result in any adverse effects on the integrity of relevant designations, as defined by their conservation objectives and status.
- 3.2.2. If it is considered by the competent authority that the plan or project will not adversely affect the integrity of the site, permission can be granted. If this cannot be ascertained, or there is uncertainty, the assessment procedure should follow on to Stage 3.

#### 3.3. Stage 3 – Alternative Solutions and Exceptions

- 3.3.1. Under Stages 3, it is necessary for the competent authority to assess whether alternative solutions exist and whether there are imperative reasons of overriding public interest (IROPI). If these tests are passed, authorisation may be granted subject to compensation measures being secured.

---

<sup>3</sup> ODPM Circular 06/2005: Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System (16 August 2005)

<sup>4</sup> European Commission (November 2001) *Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*

<sup>5</sup> European Commission (April 2000) *Managing Natura 2000 sites: The provisions of Article 6 of the Habitats Directive 92/43/EEC*

### 3.4. The Precautionary Principle

- 3.4.1. Central to the assessment process is the precautionary principle, requiring that the competent authority is certain that the proposal will not have an adverse effect on integrity before giving authorisation. However, as established by the Boggis case<sup>6</sup>, there needs to be a real, rather than a hypothetical risk to the designation.
- 3.4.2. The aspect of certainty is expanded further by principle 12 set out at part C11 of the Habitats Regulations Assessment Handbook<sup>7</sup> (based on the ruling in the case of WWF UK Ltd and RSPB v SOS8), which sets out *'the test is whether there is reasonable scientific doubt rather than an absolute certainty. It is not possible to demonstrate, nor is it necessary to show, an absolute guarantee that there will not be an adverse effect on site integrity.'*

### 3.5. Scoping and Consultation

- 3.5.1. As part of the site allocation (Pin045) process and planning application (H14-1218-21), extensive scoping and consultation was undertaken between South East Lincolnshire Joint Strategic Planning Committee and relevant consultees, including Natural England.
- 3.5.2. In addition, Natural England has commented (issued on 15th June 2022) on the submitted planning application in relation to this site, to request that additional information is provided to inform a Habitats Regulations Assessment in relation to Baston Fen SAC (rather than Baston and Thurlby Fen SAC) and further details of potential in-combination effects relating to the wider Pin045 land that falls under Ashwood Homes's control. The comments received from Natural England have been incorporated into this assessment.

### 3.6. In Combination Effects

- 3.6.1. Integral to the assessment, is consideration of the potential for cumulative effects arising in-combination with other plans or projects. This is informed by a review of South East Lincolnshire Local Plan 2011-2036 and associated HRA, which sets out proposals for development within the region. Consideration of in-combination effects is included where relevant at Section 4.4 Assessment of Likely Significant Effects.

---

<sup>6</sup> Boggis v Natural England and Waveney District Council [2009] EWCA CIV 1061

<sup>7</sup> Tyldesley, D., and Chapman C. (2013) *The Habitats Regulations Assessment Handbook*, September 2016 edition UK: DTA Publications Limited (see website at [www.dtapublications.co.uk](http://www.dtapublications.co.uk))

<sup>8</sup> WWF UK Ltd and RSPB v SoS for Scotland [1991] 1 C.M.L.R 1021 [1999] Env 632, Court of Session, Edinburgh, 28th October 1998

## 4 Stage 1 – Initial Scoping and Screening

### 4.1. Relevant Designations

- 4.1.1. Designations in proximity of the site are identified within Table 4.1 below, along with confirmation as to whether these are scoped in or out from further consideration. For the purposes of this shadow Habitats Regulations Assessment, relevant designations within 20km of the site are assessed. Where a designation located within 20km of the site may be scoped out from Stage 2 assessment, further details regarding the rationale for this is provided below.

**Table 4.1.** Summary of relevant designations within 20km of the site, and whether they are scoped in or out of Stage 2 assessment.

Designation	Nearest Extent to the Site (km)	Direction from the Site	Scoped In or Out
<i>Designations Associated with The Wash and the North Norfolk Coast European Marine Site</i>			
The Wash SPA, Ramsar	~13,km	North-east	In
The Wash and North Norfolk Coast SAC	~13km	North-east	In
Gibraltar Point SPA, Ramsar	~45km	North-east	In
North Norfolk Coast SPA, Ramsar	~48.5km	North-east	In
<i>Additional Designations within 20km of the site</i>			
Baston Fen SAC	~11.75km	South-west	Out

- 4.1.2. The site forms part of the wider Pin045 allocation included within the South East Lincolnshire Local Plan 2011-2036. The Habitats Regulations Assessment<sup>9</sup> of the Local Plan identifies that Baston Fen SAC is not vulnerable to recreational disturbance or pressure but may be vulnerable to changes in water quality / pollution as a result of mineral extraction. At ~11,750m from the site, and given the nature of the proposals (not comprising mineral extraction), it is clear that this designation or its qualifying features would not be subject to any likely significant effects as a result of the proposals alone or in combination with other plans or projects and accordingly, can be scoped out from further consideration under Stage 2.

### 4.2. Potential Impact Pathways

- 4.2.1. The South East Lincolnshire Local Plan identifies that site allocation Pin045 should be subject to a project-level Habitats Regulations Assessment in order to assess the potential of likely significant effects on designations associated with the North Norfolk Coast European Marine Site.
- 4.2.2. Following a review of the South East Lincolnshire Local Plan HRA, a number of potential impact pathways have been identified in relation to designations associated with the North Norfolk Coast European Marine Site, namely:
- Recreational Disturbance;

<sup>9</sup> Hoskin, R., Panter, C. & Liley, D. (2019). Habitats Regulations Assessment of the South East Lincolnshire Local Plan at Adoption Stage. Footprint Ecology, unpublished report for the South East Lincolnshire Joint Strategic Planning Committee

- Recreational Pressure on Habitats; and
- Water quality.

4.2.3. None of the sites allocated under the Local Plan are identified to support land functionally linked to any of the designations associated with the North Norfolk Coast European Marine Site. As such, and given the site's distance from these designations no direct construction impacts on the relevant designations are predicted, and the identified potential impact pathways listed above relate to 'operational' or ongoing impacts that may occur following occupation of the site.

### 4.3. Overview of Scoped In Designations

4.3.1. On this basis, further details are set out at Table 4.2 below in relation to The Wash SPA, Ramsar, The Wash and North Norfolk Coast SAC, Gibraltar Point SPA, and North Norfolk Coast SPA.

**Table 4.2.** Summary of relevant designations scope in to further Stage 2 assessment, and their qualifying features.

Designation	Qualifying Features / Criteria, and Conservations Objectives
<i>Designations Associated with The Wash and the North Norfolk Coast European Marine Site</i>	
The Wash SPA	<p><b>Interest Features</b></p> <p>This site qualifies under <b>Article 4.1</b> of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:</p> <p><b>During the breeding season</b></p> <ul style="list-style-type: none"> <li>• Little Tern <i>Sterna albifrons</i>, 30 pairs representing at least 1.4% of the Great British breeding population (5-year peak mean 1992 – 1996)</li> <li>• Common Tern <i>Sterna hirundo</i>, 220 pairs representing at least 1.2% of the Great British population (count as at 1993)</li> </ul> <p><b>Over Winter</b></p> <ul style="list-style-type: none"> <li>• Bewick's Swan <i>Cygnus columbianus bewickii</i>, 130 individuals representing 0.9% of the Great British population (5-year peak mean 1991/92 – 1995/96)</li> <li>• Bar-tailed Godwit <i>Limosa lapponica</i>, representing 21.4% of the Great British population (5-year peak mean 1991/92 – 1995/96)</li> </ul> <p>The site also qualifies under <b>Article 4.2</b> of the Directive (79/409/EEC) by supporting the following internationally important numbers of individual species:</p> <p><b>Over Winter</b></p> <ul style="list-style-type: none"> <li>• Northern Pintail <i>Anas acuta</i>, 1,700 individuals representing 1.5% of the Great British population (5-year peak mean 1991/92-1995/96)</li> <li>• Wigeon <i>Anas Penelope</i>, 3,900 individuals representing 1.2% of the Great British population (5-year peak mean 1991/92 – 1995/96)</li> <li>• Gadwall <i>Anas strepera</i>, 130 individuals representing 0.9% of the Great British population (5-year peak mean 1991/92-1995/96)</li> <li>• Pink-footed Goose <i>Anser brachyrhynchus</i>, 7,300 individuals representing 14.8% of the Great British population (5-year peak mean 1991/92-1995/96)</li> <li>• Ruddy Turnstone <i>Arenaria interpres</i>, 980 individuals representing 1.1% of the Great British population (5-year peak mean 1991/92-1995/96)</li> <li>• Dark-bellied Brent Goose <i>Branta bernicla bernicla</i>, 17,000 individuals representing 12% of the Great British population (5-year peak mean 1991/92-1995/96)</li> </ul>

	<ul style="list-style-type: none"> <li>• Common Goldeneye <i>Bucephala clangula</i>, 220 individuals representing 0.7% of the Great British population (5-year peak mean 1991/92-1995/96)</li> <li>• Sanderling <i>Calidris alba</i>, 500 individuals representing 0.3% of the Great British population (5-year peak mean 1991/92-1995/96)</li> <li>• Dunlin <i>Calidris alpina alpina</i>, 29,000 individuals representing 2.6% of the Great British population (5-year peak mean 1991/92-1995/96)</li> <li>• Red Knot <i>Calidris canutus</i>, 7,500 individuals representing 54.2% of the Great British population (5-year peak mean 1991/92-1995/96)</li> <li>• Eurasian Oystercatcher <i>Haematopus ostralegus</i>, 24,000 individuals representing 2.9% of the Great British population (5-year peak mean 1991/92-1995/96)</li> <li>• Black-tailed Godwit <i>Limosa limosa islandica</i>, 260 individuals representing 11.6% of the Great British population (5-year peak mean 1991/92-1995/96)</li> <li>• Common Scoters <i>Melanitta nigra</i>, 830 individuals representing 0.2% of the Great British population (5-year peak mean 1991/92-1995/96)</li> <li>• Eurasian Curlew <i>Numenius arquata</i>, 3,700 individuals representing 1.1% of the Great British population (5-year peak mean 1991/92-1995/96)</li> <li>• Grey Plover <i>Pluvialis squatarola</i>, 5,500 individuals representing 5.8% of the Great British population (5-year peak mean 1991/92-1995/96)</li> <li>• Common Shelduck <i>Tadorna tadorna</i>, 16,000 individuals representing 5.3% of the Great British population (5-year peak mean 1991/92-1995/96)</li> <li>• Common Redshank <i>Tringa tetanus</i>, 4,331 individuals representing 1.7% of the Great British population (5-year peak mean 1991/92-1995/96)</li> </ul> <p><b>Assemblage qualification: A wetland of international importance</b></p> <p>The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting 400,367 individual waterfowl over winter (5-year peak mean 1991/92-1995/96), including: Bewick's Swan, Pink-footed Goose, Dark-bellied Brent Goose, Common Shelduck, Eurasian Wigeon, Gadwall, Northern Pintail, Common Scoter, Common Goldeneye, Eurasian Oystercatcher, Grey Plover, Red Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Eurasian Curlew, Common Redshank and Ruddy Turnstone.</p> <p><b>Conservation Objectives / Measures</b></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>• The extent and distribution of the habitats of the qualifying features</li> <li>• The structure and function of the habitats of the qualifying features</li> <li>• The supporting processes on which the habitats of the qualifying features rely</li> <li>• The population of each of the qualifying features, and,</li> <li>• The distribution of the qualifying features within the site.</li> </ul> <p><b>Current Condition</b></p> <p>The most recent condition assessments for the Site of Special Scientific Interest (SSSI) which underpins the European designation states the majority of units are in favourable condition.</p> <p><b>Potential Impacts (as identified by the Local Plan HRA)</b></p> <ul style="list-style-type: none"> <li>- Recreational Disturbance</li> <li>- Recreational Pressure on Habitats</li> <li>- Water Quality</li> </ul> <p><b>Interest Features</b></p>
--	--

The Wash Ramsar	<p><b>Ramsar Criterion 1</b></p> <p>The Wash is a large shallow bay comprising very extensive saltmarshes, major intertidal banks of sand and mud, shallow water and deep channels.</p> <p><b>Ramsar Criterion 3</b></p> <p>Qualifies because of the inter-tidal relationship between its various components including saltmarshes, intertidal sand and mud flats and the estuarine waters. The saltmarshes and the plankton in the estuarine water provide a primary source of organic material which, together with other organic matter, forms a basis for the high productivity of the estuary.</p> <p><b>Ramsar Criterion 5</b></p> <p><b>Assemblages of international importance, Species with peak counts in winter:</b> 292,541 waterfowl (5-year peak mean 1998/99 – 2002/03)</p> <p><b>Ramsar Criterion 6</b></p> <p><b>Species/populations occurring at levels of international importance.</b></p> <p>Species with peak counts in spring/autumn:</p> <ul style="list-style-type: none"> <li>• Eurasian Oystercatcher</li> <li>• Grey Plover</li> <li>• Red Knot</li> <li>• Sanderling</li> <li>• Eurasian Curlew</li> <li>• Common Redshank</li> <li>• Ruddy Turnstone</li> </ul> <p>Species with peak counts in Winter:</p> <ul style="list-style-type: none"> <li>• Pink-footed Goose</li> <li>• Dark-bellied Brent Goose</li> <li>• Common Shelduck</li> <li>• Northern Pintail</li> <li>• Dunlin</li> <li>• Bar-tailed Godwit</li> </ul>
	<p><b>Conservation Objectives / Measures</b></p> <p>On-site conservation measures:</p> <ul style="list-style-type: none"> <li>• Site / Area of Special Scientific Interest (SSSI/ASSI)</li> <li>• National Nature Reserve (NNR)</li> <li>• Special Protection Area (SPA)</li> <li>• Land owned by a non-governmental organisation for nature conservation</li> <li>• Site management statement / plan implemented</li> <li>• Special Area of Conservation (SAC)</li> </ul> <p>The management of Ramsar sites in the UK is determined by either a formal management plan or through other management planning processes, and is overseen by the relevant statutory conservation agency.</p>
	<p><b>Current Condition</b></p> <p>The most recent condition assessments for the Site of Special Scientific Interest (SSSI) which underpins the Ramsar designation states the majority of units are in favourable condition.</p>
	<p><b>Potential Impacts (as identified by the Local Plan HRA)</b></p> <ul style="list-style-type: none"> <li>- Recreational Disturbance</li> <li>- Recreational Pressure on Habitats</li> </ul>

	<p>- Water Quality</p>
The Wash and North Norfolk Coast SAC	<p><b>Interest Features</b></p> <p>Annex I habitats that are a primary reason for selection of this site are:</p> <ul style="list-style-type: none"> <li>• Sandbanks which are slightly covered by sea water all the time</li> <li>• Mudflats and sandflats not covered by sea water at low tide</li> <li>• Coastal lagoons</li> <li>• Large shallow inlets and bays</li> <li>• Reefs</li> <li>• Salicornia and other annuals colonizing mud and sand</li> <li>• Spartina swards (<i>Spartinion maritimae</i>)</li> <li>• Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</li> <li>• Mediterranean and thermos-Atlantic halophilous scrubs (<i>Sarcocornetea fruticose</i>)</li> </ul> <p>Annex II species that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> <li>• Common Seal <i>Phoca vitulina</i></li> <li>• Otter <i>Lutra lutra</i></li> </ul>
	<p><b>Conservation Objectives</b></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>• The extent and distribution of qualifying natural habitats and habitats of qualifying species</li> <li>• The structure and function (including typical species) of qualifying natural habitats</li> <li>• The structure and function of the habitats of qualifying species</li> <li>• The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely</li> <li>• The populations of qualifying species, and,</li> <li>• The distribution of qualifying species within the site.</li> </ul>
	<p><b>Current Condition</b></p> <p>The most recent condition assessments for the Site of Special Scientific Interest (SSSI) which underpins the Ramsar designation states the majority of units are in favourable condition.</p>
	<p><b>Potential Impacts (as identified by the Local Plan HRA)</b></p> <ul style="list-style-type: none"> <li>- Recreational Pressure on Habitats</li> <li>- Water Quality</li> </ul>
Gibraltar Point SPA	<p><b>Interest Features</b></p> <p>This site qualifies under <b>Article 4.1</b> of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:</p> <p><b>During the breeding season:</b></p> <ul style="list-style-type: none"> <li>• Little Tern, at least 40 pairs representing 1% of the Great British Population (5-year peak mean 1992 - 1996)</li> </ul> <p><b>Over Winter:</b></p> <ul style="list-style-type: none"> <li>• Bar-tailed Godwit, 8,800 individuals representing 1.4% of the Great British population (5-year peak mean 1991/92 – 1995/96)</li> </ul>

	<p>The site qualifies also under <b>Article 4.2</b> of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</p> <p><b>Over Winter:</b></p> <ul style="list-style-type: none"> <li>• Sanderling, 1,140 individuals representing 0.1% of the Great British population (5-year peak mean 1991/92 – 1995/96)</li> <li>• Grey Plover, 3,980 individuals representing 1.2% of the Great British population (5-year peak mean 1991/92 – 1995/96)</li> </ul> <p><b>Assemblage qualification: A wetland of international importance</b></p> <p>The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 individual waterfowl, including: Little Tern, Bar-tailed Godwit, Oystercatcher, Grey Plover and Red Knot.</p> <p><b>Conservation Objectives</b></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>• The extent and distribution of the habitats of the qualifying features</li> <li>• The structure and function of the habitats of the qualifying features</li> <li>• The supporting processes on which the habitats of the qualifying features rely</li> <li>• The population of each of the qualifying features, and,</li> <li>• The distribution of the qualifying features within the site.</li> </ul> <p><b>Current Condition</b></p> <p>The most recent condition assessments for the Site of Special Scientific Interest (SSSI) which underpins the SPA designation states the majority of units are in unfavourable – recovering condition.</p> <p><b>Potential Impacts (as identified by the Local Plan HRA)</b></p> <ul style="list-style-type: none"> <li>- Recreational Disturbance</li> <li>- Recreational Pressure on Habitats</li> </ul>
Gibraltar Point Ramsar	<p><b>Interest Features</b></p> <p><b>Ramsar Criterion 1</b></p> <p>The dune and saltmarsh habitats present on the site are representative of all the stages of colonisation and stabilisation. There is a fine example of freshwater marsh containing Sedges <i>Carex</i> spp., Rushes <i>Juncus</i> spp., and Ferns, including Adder's-tongue Fern <i>Ophioglossum vulgatum</i>. The site is also the most northerly example of nationally rare saltmarsh/dune communities containing Sea Heath <i>Frankenia laevis</i>, Rock Sea Lavender <i>Limonium binervosum</i> and Shrubby Seablite <i>Suaeda vera</i>.</p> <p><b>Ramsar Criterion 2</b></p> <p>Supports an assemblage of wetland invertebrate species of which eight species are listed as rare in the British Red Data Book and a further four species listed as vulnerable.</p> <p><b>Ramsar Criterion 5</b></p> <p><b>Assemblages of international importance: Species with peak counts in winter:</b> 53,072 waterfowl (5 year peak mean 1998/99-2002/2003)</p> <p><b>Ramsar Criterion 6</b></p> <p><b>Species/populations occurring at levels of international importance.</b></p>

	<p>Species with peak counts in spring/autumn:</p> <ul style="list-style-type: none"> <li>• Grey Plover</li> <li>• Sanderling</li> <li>• Bar-tailed Godwit</li> </ul> <p>Species with peak counts in winter:</p> <ul style="list-style-type: none"> <li>• Dark-bellied Brent Goose</li> </ul> <p><b>Species/populations identified subsequent to designation for possible future consideration under Criterion 6.</b></p> <p>Species with peak counts in spring/autumn:</p> <ul style="list-style-type: none"> <li>• Red Knot</li> </ul> <p><b>Conservation Objectives / Measures</b></p> <p>On-site conservation measures:</p> <ul style="list-style-type: none"> <li>• Site / Area of Special Scientific Interest (SSSI/ASSI)</li> <li>• National Nature Reserve (NNR)</li> <li>• Special Protection Area (SPA)</li> <li>• Land owned by a non-governmental organisation for nature conservation</li> <li>• Management agreement</li> <li>• Site management statement / plan implemented</li> <li>• Special Area of Conservation (SAC)</li> </ul> <p>The management of Ramsar sites in the UK is determined by either a formal management plan or through other management planning processes, and is overseen by the relevant statutory conservation agency.</p> <p><b>Current Condition</b></p> <p>The most recent condition assessments for the Site of Special Scientific Interest (SSSI) which underpins the Ramsar designation states the majority of units are in unfavourable – recovering condition.</p> <p><b>Potential Impacts (as identified by the Local Plan HRA)</b></p> <ul style="list-style-type: none"> <li>- Recreational Disturbance</li> <li>- Recreational Pressure on Habitats</li> </ul>
<p>North Norfolk Coast SPA</p>	<p><b>Interest Features</b></p> <p>This site qualifies under <b>Article 4.1</b> of the Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:</p> <p><b>During the breeding season:</b></p> <ul style="list-style-type: none"> <li>• Great Bittern <i>Botaurus stellaris</i>, representing at least 5% of the Great British population (6-year mean, 1992-1997)</li> <li>• Eurasian Marsh Harrier <i>Circus aeruginosus</i>, representing 6.4% of the Great British population (6-year mean, 1992-1997)</li> <li>• Pied Avocet <i>Recurvirostra avosetta</i>, representing 30% of the Great British population (count as at 1980)</li> <li>• Little Tern <i>Sterna albifrons</i>, 400 pairs representing at least 13.8% of the Great British population (5-year mean, 1992-1996)</li> <li>• Common Tern <i>Sterna hirundo</i>, 1000 pairs representing at least 3.7% of the Great British population (count as at 1996)</li> <li>• Sandwich Tern <i>Sterna sandvicensis</i>, 4,500 pairs representing 26.4% of the Great British population (5 year mean, 1992 – 1996)</li> </ul>

	<p><b>Over winter:</b></p> <ul style="list-style-type: none"> <li>Pied Avocet <i>Recurvirostra avosetta</i>, representing 9.9% of the Great British population (5-year peak mean 1991/92 – 1995/96)</li> </ul> <p>The site qualifies also under <b>Article 4.2</b> of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</p> <p><b>Over winter:</b> Eurasian Wigeon, 5,600 individuals representing 1.1% of the Great British population (5-year peak mean 1991/92 – 1995/96) Pink-footed Goose, 6,000 individuals representing 10.6% of the Great British population (5-year peak mean 1991/92 – 1995/96) Dark-bellied Goose, 9,000 individuals representing 3.8% of the Great British population (5-year peak mean 1991/92 – 1995/96) Red Knot, 6,000 individuals representing 1% of the Great British population (5-year peak mean 1991/92 – 1995/96)</p> <p><b>Assemblage qualification: A wetland of international importance</b></p> <p>The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting 91,536 individual waterfowl over winter (5-year peak mean 1991/92 – 1995/96), including: Pink-footed Goose, Dark-bellied Brent Goose, Eurasian Wigeon, Pied Avocet and Red Knot.</p> <p><b>Conservation Objectives</b></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>The extent and distribution of the habitats of the qualifying features</li> <li>The structure and function of the habitats of the qualifying features</li> <li>The supporting processes on which the habitats of the qualifying features rely</li> <li>The population of each of the qualifying features, and,</li> <li>The distribution of the qualifying features within the site.</li> </ul> <p><b>Current Condition</b></p> <p>The most recent condition assessments for the Site of Special Scientific Interest (SSSI) which underpins the Ramsar designation states the majority of units are in unfavourable – recovering condition.</p> <p><b>Potential Impacts (as identified by the Local Plan HRA)</b></p> <ul style="list-style-type: none"> <li>- Recreational Disturbance</li> <li>- Recreational Pressure on Habitats</li> </ul>
North Norfolk Coast Ramsar	<p><b>Interest Features</b></p> <p><b>Ramsar Criterion 1</b></p> <p>The site is one of the largest expanses of undeveloped coastal habitat of its type in Europe. It is a particularly good example of a marshland coast with intertidal sand and mud, saltmarshes, shingle banks and sand dunes. There are a series of brackish-water lagoons and extensive areas of freshwater grazing marsh and reed beds.</p> <p><b>Ramsar Criterion 2</b></p> <p>Supports at least three British Red Data Book and nine nationally scarce vascular plants, one British Red Data Book lichen and 38 British Red Data Book invertebrates.</p>

	<p><b>Ramsar Criterion 5</b></p> <p><b>Assemblages of international importance:</b></p> <p><b>Species with peak counts in winter:</b> 98,462 waterfowl (5 year peak mean 1998/99-2002/2003)</p> <p><b>Ramsar Criterion 6</b></p> <p><b>Species/populations occurring at levels of international importance.</b></p> <p>Species regularly supported during the breeding season:</p> <ul style="list-style-type: none"> <li>• Sandwich Tern</li> <li>• Common Tern</li> <li>• Little Tern</li> </ul> <p>Species with peak counts in spring/autumn:</p> <ul style="list-style-type: none"> <li>• Red Knot</li> </ul> <p>Species with peak counts in winter:</p> <ul style="list-style-type: none"> <li>• Pink-footed Goose</li> <li>• Dark-bellied Brent Goose</li> <li>• Eurasian Wigeon</li> <li>• Northern Pintail</li> </ul> <p><b>Species/populations identified subsequent to designation for possible future consideration under Criterion 6:</b></p> <p>Species with peak counts in spring/autumn:</p> <ul style="list-style-type: none"> <li>• Ringed Plover</li> <li>• Sanderling</li> <li>• Bar-tailed Godwit</li> </ul>
	<p><b>Conservation Objectives / Measures</b></p> <p>On-site conservation measures:</p> <ul style="list-style-type: none"> <li>• Site / Area of Special Scientific Interest (SSSI/ASSI)</li> <li>• National Nature Reserve (NNR)</li> <li>• Special Protection Area (SPA)</li> <li>• Land owned by a non-governmental organisation for nature conservation</li> <li>• Management agreement</li> <li>• Site management statement / plan implemented</li> <li>• Special Area of Conservation (SAC)</li> </ul> <p>The management of Ramsar sites in the UK is determined by either a formal management plan or through other management planning processes, and is overseen by the relevant statutory conservation agency.</p>
	<p><b>Current Condition</b></p> <p>The most recent condition assessments for the Site of Special Scientific Interest (SSSI) which underpins the Ramsar designation states the majority of units are in unfavourable – recovering condition.</p>
	<p><b>Potential Impacts (as identified by the Local Plan HRA)</b></p> <ul style="list-style-type: none"> <li>- Recreational Disturbance</li> <li>- Recreational Pressure on Habitats</li> </ul>

## 4.4. Assessment of Likely Significant Effects

- 4.4.1. An assessment of the potential impacts that could arise through each relevant impact pathway, followed by screening of the potential for likely significant effects to occur as a result of the development proposals is detailed below. For the purposes of this assessment, the sites identified above at Table 4.2 are considered together as part of the overall North Norfolk Coast European Site.

**Table 4.3.** Assessment of Impacts and Screening of Likely Significant Effects

Impact Pathway	Assessment of Impacts
Recreation	<p><b>Damage soils and vegetation for example through trampling</b></p> <p>This has the potential to cause damage and change species composition / distribution for example through path erosion. The habitats within the European sites are not considered to be particularly vulnerable to this potential effect, as the qualifying habitats largely comprise tidal habitat types which would be underwater or very wet underfoot for the majority of the time, such that the majority of visitors would keep to the established paths. However, visitors could potentially access these habitats in some areas and damage vegetation in drier areas or at low tide (for example to access intertidal mud for the purposes of bait digging for recreational fishing).</p>
	<p><b>Cause eutrophication and changes in habitat composition as a result of dog fouling</b></p> <p>Walkers with dogs can contribute to pressure on sites through nutrient enrichment via dog fouling. Most impacts occur close to paths and within a short distance of car parks.</p>
	<p><b>Generate other anthropogenic effects as a result of littering, fires and vandalism</b></p> <p>Such effects could give rise to eutrophication, animal mortality and localised pollution events.</p>
	<p><b>Cause disturbance to qualifying features of the designation such as waterbirds or marine mammals</b></p> <p>Disturbance events, for example through noise or visual disturbance, can cause birds or marine mammals to expend additional energy which may affect their survival, particularly in the winter. In addition, disturbance could displace birds from one area to another which could increase pressure on the available feeding resource in the remaining areas.</p> <p>Visual disturbance is most likely to be caused by walkers with dogs (where dogs do not keep to the marked footpaths) and where the human form is exposed on open ground for example people bait digging in intertidal mud for the purposes of recreational fishing.</p>
	<b>Screening of Likely Significant Effects - Alone</b>

	<p>A public bridleway located 1.6km east of the site boundary adjacent to the River Welland, ultimately provides pedestrian access to the nearest designation, The Wash. However, this represents a ~25km round trip on foot to the nearest designation and is considered highly unlikely to be routinely utilised by recreational visitors.</p> <p>The hybrid planning application is for up to 400 new residential dwellings. On the basis of 2.4 people per dwelling<sup>10</sup> there are expected to be approximately 960 residents. In addition, based on 24% of homes having at least one dog<sup>11</sup>, it is estimated that 96 of the new houses could potentially own a dog. However, the proposals include extensive areas of Public Open Space (POS), in line with relevant local policy, and as such, the recreational needs of the residents will largely be met on-site. In addition, there are alternative dog walking and recreational areas that are in closer proximity to the site than the SPA including Vernatt's Nature Reserve Local Wildlife Site (LWS) which is located 560m south-east of the site, and extensive areas of open countryside accessible via the local footpath / bridleway network. It is considered that residents at the site are likely to prefer to walk their dogs more locally rather than regularly driving up to an hour round trip to access The Wash SPA, Ramsar, and The Wash and North Norfolk Coast SAC designations, by car.</p> <p>Should new residents occasionally make this journey, it is anticipated that any birds present at The Wash are likely to be largely habituated to existing recreational visitors from closer residential areas and as such, it is unlikely that a small potential increase in recreational walkers would significantly increase disturbances to existing assemblages of breeding and overwintering birds associated with The Wash SPA, Ramsar, and The Wash and North Norfolk Coast SAC.</p> <p>Gibraltar Point SPA, Ramsar and North Norfolk Coast SPA, Ramsar are located ~45km and ~48.5km from the site respectively, and are located over an hour's drive from the site, with numerous other recreational opportunities in the area, therefore it is highly unlikely that residents would regularly choose to visit Gibraltar Point SPA, Ramsar and North Norfolk Coast SPA, Ramsar recreationally. If low numbers residents were to occasionally visit these areas / designations (even weekly or monthly), the potential increase in visitor numbers is considered to be so small that it would likely be unmeasurable, with negligible influence.</p> <p>Considering the above information, it is likely that the majority of everyday recreational needs arising as a result of the new development would be met on-site and / or in close proximity to the site within readily accessible areas of public green space outside of the relevant designations. However, due to the coastal nature of these designations and the unique recreational opportunities they provide, there is the potential for a limited number of new residents to travel longer distances to visit the coastal designations. In addition, water-based recreational activities such as jet skiing may be restricted to the coast, albeit are only undertaken by a very small proportion of the population. With an increase of ~960 new residents associated with the proposals, the proportion of new residents likely to be regularly involved with disturbing water sport activities is considered to be very low, with the majority of these recreational users likely to be tourists travelling from considerably further afield.</p> <p>Considering the above, the number of additional visits to the relevant designations by residents of the new development is likely to be very low and therefore would <u>not result in likely significant effects when considering the proposals alone</u>. As such, there is no requirement to carry out an Appropriate Assessment.</p> <p><b>Screening of Likely Significant Effects – In Combination</b></p>
--	---

<sup>10</sup> Office for National Statistics (2017)

<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2017>

<sup>11</sup> PDSA (2018) PAW PDSA Animal Wellbeing Report 2018.

	<p>As the proposals are unlikely to result in a significant effect on relevant designations alone, it is therefore clearly less likely that they would result in a significant effect in combination with other plans or projects.</p> <p>Under Policy 28, The South East Lincolnshire Local Plan 2011-2036 requires '<i>all major housing proposals within 10km of The Wash and the North Norfolk Coast European Marine Site</i>' to consider the potential impact of recreational pressure on The Wash and North Norfolk Coast European Marine Site. Site allocations beyond 10km from the relevant designations including the allocation relating to this application (part of Pin045) and nearby allocation Pin024 are also required to consider the potential impact of recreational pressure on these designations, despite being located further than 10km.</p> <p>Additional areas of the Pin045 allocation which fall outside of the scope of this planning application, in addition to the adjacent Pin024 allocation, may ultimately be brought forward to planning in due course. Under Policy 28, these projects and planning applications will also be required to demonstrate, through undertaking a project-level Habitats Regulations Assessment, that no likely significant effects on relevant designations would occur under their proposals. In line with further relevant local policies, planning applications associated with these areas will also be required to deliver sufficient areas of publicly accessible open space which provide further recreational spaces for local residents.</p> <p>A planning application for a new cemetery (ref: H14-1097-20) located immediately adjacent to the north-western boundary of the site has recently been approved and is therefore reasonably likely to be brought forward in the near future. It is understood that these consented proposals would deliver an informal recreation area measuring 2.14ha which would represent a significant addition of publicly accessible green space located immediately adjacent to the site. The Design and Access (DAS) statement for the consented application identifies this space as 'a place to be used at people's leisure, for example for dog walking and jogging'. As such, in-combination with the consented scheme, the proposals are considered even less likely to result in an increase of recreational pressure on designations associated with The Wash and the North Norfolk Coast European Marine Site.</p> <p>Other major sites identified within the adopted Local Plan are located beyond 10km from The Wash and the North Norfolk Coast European Marine Site and are therefore scoped out from potentially having a likely significant impact on the relevant designations alone or in combination with other plans or projects.</p> <p>Given the extent of available public open space / recreation areas in proximity of the site; increases in publicly accessible open space generated as a result of these proposals, which would be delivered in any event, the nearby consented cemetery scheme, and extent of new high-quality open space which would likely be brought forward by the wider Pin024 allocation in order to meet local policy requirements, <u>in combination recreational impacts on relevant designations as a result of the proposals are considered unlikely and have been screened out of this assessment.</u></p>
Water Quality	<p>The designations are located in a coastal environment, with associated qualifying habitats and species, which are identified as vulnerable to changes in water quality. As such any contamination has the potential to be significant alone and in-combination.</p>
	<p><b>Screening of Likely Significant Effects</b></p> <p>The site is located over 13km from the nearest designation and, given the nature of the proposals is unlikely to have a direct or indirect impacts on its water quality. Further, the South East Lincolnshire Local Plan HRA confirms that allocated projects (site allocation Pin045) can be screened out as having 'no likely significant effect' from Water Quality impacts, alone or in combination with other plans or projects.</p>

## 5 Conclusions

- 5.1 This document provides information to inform a Habitats Regulations Assessment of the proposed development, given the presence of a number of relevant designations within the site surrounds.
- 5.2 Habitats present within the site are not functionally linked to relevant designations associated with The Wash and the North Norfolk Coast European Marine Site, with no direct or construction impacts predicted. In addition, given the physical separation distance of the site from relevant designations (~13km) it is not predicted that any water quality or recreational impacts resulting from the proposals alone or in combination will result in a likely significant effect on relevant designations. As such, it is not considered necessary to undertake an Appropriate Assessment (Stage 2) or to progress with further stages of a Habitats Regulations Assessment.