



Habitat Regulations Assessment

Land off Stockwell Gate, Whaplode

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0. Executive Summary

This report has been prepared at the request of G R Merchant Ltd. Eco 360 have prepared this Habitats Regulations Assessment (HRA), as per the European Council Directives 92/43/EEC (conservation of natural habitats) and 2009/147/EC (conservation of wild birds), which are the basis for The Habitats Regulations (Conservation of Habitats and Species Regulations 2017 [as amended]).

The development in question is located at Stockwell Gate, Whaplode, Spalding, Lincolnshire, PE12 6UE (OS Grid Reference: TF 33227 24585) hereon referred to as 'the site'. The report was completed by Miss Bryony Haines: MSc, Ecologist.

The current proposal involves the removal of existing agricultural buildings and sections of grassland, and replacement with five new residential dwellings.

Based on the information considered as part of the screening process, the findings of the Habitat Regulations Assessment indicate that the proposals at Stockwell Gate will not have a significant effect on the European Sites. Due to this it has been deemed that full Stage 2: Appropriate Assessment report will not be required.

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1. Introduction

1.1 Report Rationale

This report has been prepared at the request of G R Merchant Ltd. Eco 360 have prepared this Habitats Regulations Assessment (HRA), as per the European Council Directives 92/43/EEC (conservation of natural habitats) and 2009/147/EC (conservation of wild birds), which are the basis for The Habitats Regulations (Conservation of Habitats and Species Regulations 2017 [as amended]).

The development in question is located at Stockwell Gate, Whaplode, Spalding, Lincolnshire, PE12 6UE (OS Grid Reference: TF 33227 24585) hereon referred to as 'the site'.

The current proposal involves the removal of existing agricultural buildings and sections of grassland, and replacement with five new residential dwellings.

Although the proposed development site does not lie within any statutory sites, multiple sites (including a SPA, Ramsar, two SAC's and many SSSI's) lie within a 20km radius. Please see **Section 3** of this report for more details.

1.2 Purpose and Aims of Report

The purpose of this report is to identify, screen, and assess the likely significant effects of the development on European Designated Sites (SPAs, SACs, Ramsar etc.) or any of their qualifying features within the "zone of influence" of the European Designated Sites. The information within this document is to be used by the Local Planning Authority (LPA) to undertake a Habitats Regulations Assessment as part of the determination of the planning application. This is required to meet the legislative requirements under the Habitats Regulations Act in determining the outcome of the planning application. This process is undertaken in three stages:

1) Identifying the relevant European sites:

These are comprised of Special Areas of Conservation (SACs), Special Protection Areas (SPAs), and Ramsar sites. Candidate or potential sites (SAC, SPA, or Ramsar) which have not yet been fully assessed or designated must also be considered as per the legislation and UK policy.

2) Identifying and assessing the potential impacts of the development on these sites:

This can either be direct or indirect impacts, and as a result of the development alone or when considered 'in-combination' with other residential and tourist developments. This is due to the 'in-combination' impacts, such as those resulting from increased recreational activity, having a likely and significant impact on these sites or their qualifying features.

3) Determine, if needed, the appropriate mitigation of the above impacts:

A mitigation strategy will be devised if required for the site to minimise any impacts on the designated sites that are to be affected, if required.

2. Habitats Regulation Assessment

European Council Directives 92/43/EEC (conservation of natural habitats) and 2009/147/EC (conservation of wild birds) are the basis for The Habitats Regulations (Conservation of Habitats and Species Regulations 2017 [as amended]). The purpose of which is to uphold the conservation of species and their habitats across a collection of international sites (collectively known as Natura 2000 sites or European Sites).

European sites are internationally important sites designated for conservation of species and their habitats.

Appropriate Assessment is required under Article 6 (3) of the Habitats Directive where a development is likely to have an impact upon a Natura 2000 site (European site). These must also be considered not just on their own but in combination with other residential and tourist developments. Article 6 (4) states that if an impact has been identified and mitigation measures are not realistically able to avoid negative impacts, then planning consent will only be granted if certain conditions are met. Namely, that there are no other alternatives; there is an overriding public interest for the development to take place; and compensation for the effects are secured.

Special Protection Areas (SPAs):

These sites are classified under the Birds Directive (2009/147/EC on the conservation of wild birds). Their purpose is to protect rare and vulnerable species of birds (those listed on Annex I of the Birds Directive), and any migratory species that regularly occur.

Potential Protection Areas (pSPAs) are also part of the network of Natura 2000 sites and must also be considered, but they have not yet been officially classified.

Natural England set out target conservation objectives for each SPA to enable their qualifying features (i.e. species) to be classed as favourable.

Special Area of Conservation (SAC):

These sites serve to protect species listed in Annex I and II of the Directive (as amended). They also form part of the network of Natura 2000 sites. They focus on habitats and species seen to be most at risk at the European level (not including bird species) under the European Union Habitats Directive.

Natural England set out target conservation objectives for each SAC to enable their qualifying features (i.e. species) to be classed as favourable.

Ramsar:

These sites are classified as wetland sites designated to be of international importance under the Ramsar Convention. There are nine categories that wetlands can fall under to be considered as internationally important. These criteria are as follows:

- **Criterion 1:** "it contains a representative, rare, or unique example of a natural or near-natural wetland type found within the appropriate biogeographic region."
- **Criterion 2:** "it supports vulnerable, endangered, or critically endangered species or threatened ecological communities."
- **Criterion 3:** "it supports populations of plant and/or animal species important for maintaining the biological diversity of a particular biogeographic region."
- **Criterion 4:** "it supports plant and/or animal species at a critical stage in their life cycles or provides refuge during adverse conditions."
- **Criterion 5:** "it regularly supports 20,000 or more waterbirds."
- **Criterion 6:** "it regularly supports 1% of the individuals in a population of one species or subspecies of waterbird."
- **Criterion 7:** "it supports a significant proportion of indigenous fish subspecies, species or families, life-history stages, species interactions and/or populations that are representative of wetland benefits and/or values and thereby contributes to global biological diversity."
- **Criterion 8:** "it is an important source of food for fishes, spawning ground, nursery and/or migration path on which fish stocks, either within the wetland or elsewhere, depend."
- **Criterion 9:** "it regularly supports 1% of the individuals in a population of one species or subspecies of wetland-dependent non-avian animal species."

3. Stage 1: Screening

3.1 Identification of European Sites & characterisation

A search of relevant sites within 20km of the site was carried out using freely available online information.

Three European designated sites protected for wildlife were identified within the 20km radius of the site. These are as follows:

	Site Name	Designation	Approx. distance (km)	Heading
1	The Wash	Ramsar	13	Northeast
2	The Wash and North Norfolk Coast	SAC	9.2	Northeast
3	Baston Fen	SAC	19.98	West

As part of the European designated sites, components comprising of the following Sites of Special Scientific Interest (SSSI's) make up the designations.

Site Name	Designation	Approx. distance (km)	Heading
The Wash	SSSI	19.35	Northeast
The Wash	SSSI	9.63	Northeast
Surfleet Lows	SSSI	9.05	Northwest
Cowbit Wash	SSSI	10.52	West
Baston and Thurlby Fens	SSSI	19.98	West

The qualifying features of The Wash **Ramsar** are:

- Ramsar criteria 1: The Wash is a large, shallow bay comprising an extensive area of priority habitats including salt marshes, sand and mud intertidal banks, shallow estuarine waters and deep channels.
- Ramsar criteria 3: The saltmarsh vegetation and estuarine plankton present on the site are an abundant primary source of organic material. This, when combined with organic matter from other regions of the site, create the high productivity observed in the estuary environment.
- Ramsar criteria 5: The site regularly sees large assemblages of waterfowl of various species during winter (upwards of 292000).
- Ramsar criteria 6: Species/populations occurring at levels of international importance. Qualifying species/populations (as identified at designation) include:

Species with peak counts in spring/autumn: Eurasian oystercatcher (*Haematopus ostralegus ostralegus*, Europe and NW Africa – wintering,

15616 individuals representing an average of 1.5% of the population). Grey plover (*Pluvialis squatarola*, E Atlantic/W Africa – wintering, 13129 individuals representing an average of 5.3% of the population). Red knot (*Calidris canutus islandica*, W and S Africa – wintering, 68987 individuals representing an average of 15.3% of the population). Sanderling (*Calidris alba*, Eastern Atlantic, 3505 individuals representing an average of 2.8% of the population). Eurasian curlew (*Numenius arquata arquata*, N Europe – breeding, 9438 individuals representing an average of 2.2% of the population). Common redshank (*Tringa totanus totanus*, 6373 individuals representing an average of 2.5% of the population). Ruddy turnstone (*Arenaria interpres interpres*, NE Canada, Greenland/W Europe and NW Africa, 888 individuals representing an average of 1.7% of the population).

Species with peak counts in winter: Pink-footed goose (*Anser brachyrhynchus*, Greenland, Iceland/UK, 29099 individuals representing an average of 12.1% of the population). Dark-bellied brent goose (*Branta bernicla bernicla*, 20861 individuals representing an average of 9.7% of the population). Common shelduck (*Tadorna tadorna*, NW Europe, 9746 individuals representing an average of 3.2% of the population). Northern pintail (*Anas acuta*, NW Europe, 431 individuals representing an average of 1.5% of the population). Dunlin (*Calidris alpina alpina*, W Siberia/W Europe, 36600 individuals representing an average of 2.7% of the population). Bar-tailed godwit (*Limosa lapponica lapponica*, W Palearctic, 16546 individuals representing an average of 13.7% of the population).

The qualifying features of The Wash and North Norfolk Coast **SAC** are:
Annex I habitats:

- 1110: Sandbanks, slightly covered by seawater all the time
- 1140: Mudflats and sandflats not covered by seawater at low tide
- 1160: Large shallow inlets and bays
- 1170: Reefs
- 1310: Salicornia and other annuals colonising mud and sand
- 1330: Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)
- 1420: Mediterranean and thermo-Atlantic halophilous scrubs (*Sarcocornetea fruticosi*)

Annex II species:

- 1365: Harbour seal (*Phoca vitulina*)

The qualifying features of the Baston Fen **SAC** are:

Annex II species:

- 1149: Spined loach (*Cobitis teania*)

3.2 Potential Impact Pathways

Eco 360 have not been commissioned to undertake a Preliminary Ecological Appraisal of the site. The site does not fall within the outer reaches of the impact risk zones of the aforementioned European designated sites. It is apparent that no level 1 qualifying criteria for habitats or species of interest lie on the site itself.

Considering the scope of the proposed development and the distances between the development site and the statutory designated sites, none of the statutory designated sites are deemed to have the potential to be impacted by the development.

Given the distance of approximately 9–13 km between the development site and the European designated sites, and the absence of any hydrological or ecological connectivity between the development site and these designations, no credible impact pathways have been identified.

The small scale of the development (five dwellings) also means that the proposal would not generate recreational pressure or other indirect effects on the designated sites.

3.3 Likelihood of Significant Effects

European Site: The Wash and North Norfolk Coast SAC				
Qualifying Features: • 1110: Sandbanks, slightly covered by seawater all the time • 1140: Mudflats and sandflats not covered by seawater at low tide • 1160: Large shallow inlets and bays • 1170: Reefs • 1310: Salicornia and other annuals colonising mud and sand • 1330: Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) • 1420: Mediterranean and thermo-Atlantic halophilous scrubs (<i>Sarcocornetea fruticosi</i>) • 1365: Harbour seal (<i>Phoca vitulina</i>)				
SAC Conservation Objective Attribute(s)	Risk and mechanism of pathway	Does the project provide mitigation (Y/N)	Likely significant effect alone (Yes/ No/ Uncertain)	Likely significant effect in Combination (Yes/ No/ Uncertain)
The extent and distribution of qualifying habitats and species.	Due to the distance and scale of the development to this SAC, there will be no risks to this conservation object in regards to this feature.	No	No	No
The structure and function of the qualifying habitats.	Due to the distance and scale of the development to this SAC, there will be no risks to this conservation object in regards to this feature.	No	No	No
The supporting processes on which the habitats of qualifying species rely.	Due to the distance and scale of the development to this SAC, there will be no risks to this conservation object in regards to this feature.	No	No	No
The populations of qualifying species.	Due to the distance and scale of the development to this SAC, there will be no risks to this conservation object in regards to this feature.	No	No	No

The distribution of qualifying habitats and species within the site.	Due to the distance and scale of the development to this SAC, there will be no risks to this conservation object in regards to this feature.	No	No	No
European Site: Baston Fen SAC. Qualifying features: 1149: Spined loach (<i>Cobitis teania</i>)				
SAC Conservation Objective Attribute(s)	Risk and mechanism of pathway	Does the project provide mitigation (Y/N)	Likely significant effect alone (Yes/ No/ Uncertain)	Likely significant effect in Combination (Yes/ No/ Uncertain)
The extent and distribution of the habitats of qualifying species.	Due to the distance and scale of the development to this SAC, there will be no risks to this conservation object in regards to this feature.	No	No	No
The structure and function of the habitats of qualifying species.	Due to the distance and scale of the development to this SAC, there will be no risks to this conservation object in regards to this feature.	No	No	No
The supporting processes on the habitats of qualifying species rely.	Due to the distance and scale of the development to this SAC, there will be no risks to this conservation object in regards to this feature.	No	No	No
The populations of qualifying species.	Due to the distance and scale of the development to this SAC, there will be no risks to this conservation object in regards to this feature.	No	No	No
The distribution of qualifying species within the site.	Due to the distance and scale of the development to this SAC, there will be no risks to this conservation object in regards to this feature.	No	No	No
European Site: THE WASH Ramsar Qualifying features: Ramsar criteria 1, 3, 5 and 6				
Ramsar Conservation Objective Attribute(s)	Risk and mechanism of pathway	Does the project provide mitigation (Y/N)	Likely significant effect alone (Yes/ No/ Uncertain)	Likely significant effect in Combination (Yes/ No/ Uncertain)
1: Contains a representative, rare, or unique example of a natural or near-natural wetland type found within the appropriate biogeographic region.				
Site is a large, shallow bay comprising an extensive area of priority habitats including salt marshes, sand and mud intertidal banks, shallow estuarine waters and deep channels.	Due to the distance and scale of the development to this Ramsar, there will be no risks to this conservation object in regard to this feature.	No	No	No
3: Supports populations of plant and/or animal species important for maintaining the biological diversity of a particular biogeographic region,				
Ramsar Conservation Objective Attribute(s)	Risk and mechanism of pathway	Does the project provide mitigation (Y/N)	Likely significant effect alone (Yes/ No/ Uncertain)	Likely significant effect in Combination (Yes/ No/ Uncertain)

The saltmarsh vegetation and estuarine plankton present on the site are an abundant primary source of organic material. This, when combined with organic matter from other regions of the site, create the high productivity observed in the estuary environment.	Due to the distance and scale of the development to this Ramsar, there will be no risks to this conservation object in regard to this feature.	No	No	No
5: Regularly supports 20,000 or more waterbirds.				
Ramsar Conservation Objective Attribute(s)	Risk and mechanism of pathway	Does the project provide mitigation (Y/N)	Likely significant effect alone (Yes/ No/ Uncertain)	Likely significant effect in Combination (Yes/ No/ Uncertain)
The site regularly sees large assemblages of waterfowl of various species during winter (upwards of 292000).	Due to the distance and scale of the development to this Ramsar, there will be no risks to this conservation object in regards to this feature.	No	No	No
6: Regularly supports 1% of the individuals in a population of one species or subspecies of waterbird.				
Ramsar Conservation Objective Attribute(s)	Risk and mechanism of pathway	Does the project provide mitigation (Y/N)	Likely significant effect alone (Yes/ No/ Uncertain)	Likely significant effect in Combination (Yes/ No/ Uncertain)
Species with peak counts in spring/autumn: Eurasian oystercatcher (<i>Haematopus ostralegus ostralegus</i>) Grey plover (<i>Pluvialis squatarola</i>) Red knot (<i>Calidris canutus islandica</i>) Sanderling (<i>Calidris alba</i>) Eurasian curlew (<i>Numenius arquata arquata</i>) Common redshank (<i>Tringa totanus totanus</i>) Ruddy turnstone (<i>Arenaria interpres interpres</i>) Species with peak counts in winter: Pink-footed goose (<i>Anser brachyrhynchus</i>) Dark-bellied brent goose (<i>Branta bernicla bernicla</i>) Common shelduck (<i>Tadorna tadorna</i>) Northern pintail (<i>Anas acuta</i>) Dunlin (<i>Calidris alpina alpina</i>) Bar-tailed godwit (<i>Limosa lapponica lapponica</i>)	Due to the distance and scale of the development to this Ramsar, there will be no risks to this conservation object in regards to this feature.	No	No	No

4. Conclusions and Future Work

4.1 Impacts

Based on the information considered as part of the screening process, the findings of the Habitat Regulations Assessment indicate that the proposals at Stockwell Gate, PE12 6UE will not have a significant effect on the European Sites. Due to this, it has been deemed that full Stage 2: Appropriate Assessment report will not be required.

4.2 Recommendations

As the proposed development is deemed to have a negligible impact on the qualifying features of the European designated sites, no recommendations are proposed.

5. References

CIEEM, 2018 Guidelines for Ecological Impact Assessment in the UK and Ireland.

DCLG, 2006. Planning for the Protection of European Sites: Appropriate Assessment.

DEFRA, 2020. MAGIC Maps.

6. Appendices

Appendix A: Site Plans

Appendix B: Desktop Study Maps

Appendix A: Site Plans

No site plans have yet been provided to Eco360, only a brief outline of proposed works.

Appendix B: Desktop Study Maps

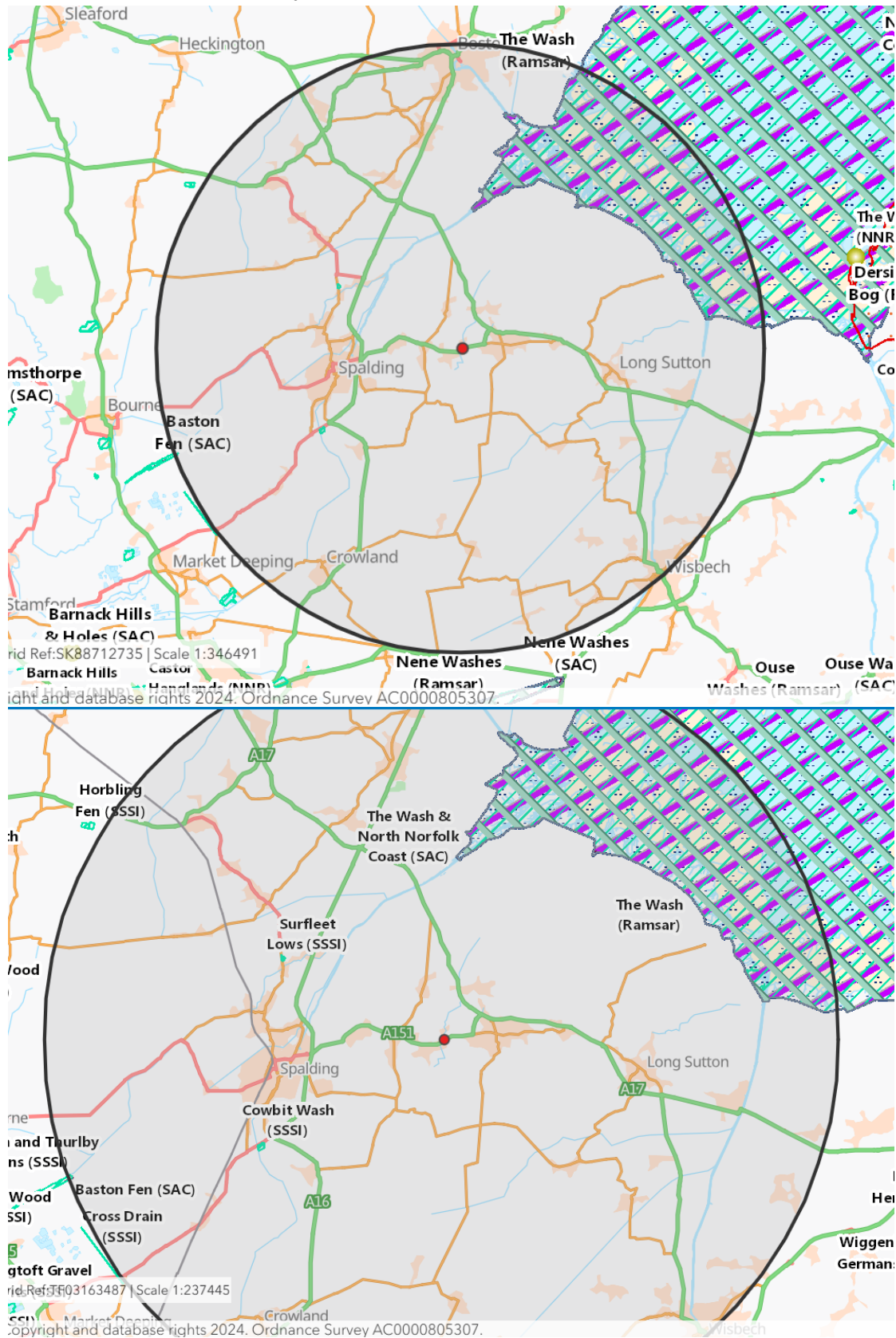


Fig 1 and 2. Designated SPA, SAC, SSSI and Ramsar sites within 20km of the proposed development site, obtained through the MAGIC map application

7. Notice to Readers: Conditions of this Report

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Eco 360 agrees to supply ecological consulting services and advice of a preliminary or thorough nature as advised or commissioned. Upon commissioning Eco 360 to undertake the work, the client(s) grant access to the site upon the agreed date. If no site access is available upon this date, Eco 360 holds the right to charge the client(s) for lost staffing time and additional travel costs.

Eco 360 undertake all site surveys with reasonable skill, care, and diligence, within the terms of the contract that has been agreed with the client and abiding by the Eco 360 Terms and Conditions. The actions of the surveyors on site, and during the production of the report, were undertaken in accordance with the Code of Professional Conduct for the Chartered Institute of Ecology and Environmental Management.

The latest good practice guidelines put in place by Natural England or the relevant statutory conservation bodies have been followed by the surveyors on site. If those methodologies fail to identify a protected species during the survey efforts, no responsibility can be attributed to Eco 360. If any of these guidelines are adapted between the date(s) of the surveys being undertaken and the submission of this report, then Eco 360 takes no responsibility for this.

Eco 360 has been provided with full payment for this report and thus the product has been released to the client(s) for the purpose of their planning application. If any part of the report is lost or altered without the written permission of Eco 360, then the entire report becomes invalid. Due to the potential for continual change within the natural world, this report is valid for **2 years only** from the date of the last survey visit. If this report is submitted after the 2 year deadline, then a further updated inspection will be required to ascertain whether the site remains in the same condition as it was when initially inspected.

No reliance should be made on any such comments in relation to the structural integrity of the features located on the surveyed site. All information within the report is based solely on evidence that has been found on site during the service provided. No individual opinion or inference will be made other than that of the suitably qualified ecologist appointed to the project.