

**Assessment of Impacts under the Conservation of Habitats & Species
Regulations 2017 (as amended)**

Site Affected: Broads SAC/Broadland Ramsar

Potential effect: Increased nitrogen and phosphorus loading

The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the Council as a competent authority must undertake an appropriate assessment to determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the Broads SAC, and if so, whether or not those effects can be mitigated against.

The Council's assessment is set out below and is based on advice contained in the letter from Natural England to LPA Chief Executives and Heads of Planning dated 16th March 2022.

Broads SAC/Broadland Ramsar

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: YES

The proposal would result in an increase in overnight accommodation in the catchment area of the SAC/Ramsar. Consequently, the proposal has the potential to result in an increase in nutrients flowing into the SAC in the form of either nitrogen or phosphorous.

As a result the "Flow Diagram of HRA Process for Consultations Contributing Nutrients" has been followed. This diagram forms appendix E in the aforementioned letter from Natural England.

Having followed the diagram for this application we reach the conclusion in the bottom section that begins "Can't conclude no adverse effect on site integrity...". As a result, the existing application cannot be considered to comply with the Habitat Regulations as it cannot conclude that there would be no likely significant impacts. It cannot be concluded that the additional wastewater created by the extra residents would not have a Likely Significant Effect (LSE), in-combination with other plans and projects, on the SACs.

There is currently no agreed strategy for mitigating the wastewater implications of additional accommodation in the Council's area nor anything submitted with the application which would indicate that the development could achieve nutrient neutrality.

It is therefore concluded that insufficient information has been submitted to demonstrate that this proposal would not result in an increase in nitrate and/or phosphate levels which would further adversely affect the current unfavourable

status of the Broads Special Area of Conservation. In adopting a precautionary approach, the Local Planning Authority is not satisfied that the proposal will not adversely affect the integrity of this Special Area of Conservation and the application is contrary to Regulation 63 of the Conservation of Habitats and Species Regulations 2017; Policy DM6 of the Norwich Local Plan Development Management Policies 2014; paragraphs 8, 11, 180, 186 and 188 of the National Planning Policy Framework (2023) and Policy GNLP3 of the Greater Norwich Local Plan 2024.

Site Affected:

Wash ZOI

- **The Wash SPA**
- **The Wash and North Norfolk Coast SAC**
- **The Wash Ramsar**

Norfolk Coast ZOI

- **North Norfolk Coast SAC**
- **North Norfolk Coast SPA**
- **North Norfolk Coast Ramsar**

Valley Fens ZOI

- **Norfolk Valley Fens SAC**

East Coast ZOI

- **Winterton – Horsey Dunes SAC**
- **Great Yarmouth North Denes SPA**

Broads ZOI

- **Broadland SPA**
- **Broadland Ramsar**
- **Breydon Water SPA**

Potential effect: Increased recreational disturbance

The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the Council as a competent authority must undertake an appropriate assessment to determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the above listed Habitats Sites, and if so, whether or not those effects can be mitigated against.

The Council's assessment is set out below;
For any of the sites listed above;

- i. Does the plan or project include one of the affected development types identified in the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy? AND
- ii. Is the plan or project within one of the identified 'Zones of Influence' of Habitats Sites for which residents travel for recreational activities?

Answer: YES

The proposal would result in the provision of new dwellings which will result in an increase in population. Consequently, the proposal has the potential to result in more people visiting and possibly harming Habitats Sites.

iii. Do the proposals include necessary avoidance and mitigation measures (e.g. provisions for payment of the per dwelling tariff for the Norfolk wide RAMS).

Answer: NO

iv. Do the proposals include necessary provision or enhancement of green infrastructure, either on the development site or nearby to meet the informal recreational needs of the residents.

Answer: NO

Without the provisions within the application for payment of the Norfolk RAMS tariff and the provision or enhancement of adequate green infrastructure on or off-site we reach the conclusion “Can’t conclude no adverse effect on site integrity...”. As a result, the existing application cannot be considered to comply with the Habitat Regulations as it cannot conclude that the additional recreational impacts created by additional visits from the extra residents would not have a Likely Significant Effect (LSE), in-combination with other plans and projects, on the identified Habitats Sites (SACs and SPAs).

It is concluded that insufficient information has been submitted to demonstrate that this proposal would not result in an increase in recreational disturbance due to the impact of additional visits to Special Areas of Conservation (SACs and SPAs) in the Wash, Norfolk Coast and the Broads. In adopting a precautionary approach, the Local Planning Authority is not satisfied that the proposal will not adversely affect the integrity of these Habitats Sites and the application is contrary to Regulation 63 of the Conservation of Habitats and Species Regulations 2017; Policy DM3, DM6 and DM8 of the Norwich Local Plan Development Management Policies 2014; paragraphs 8, 11, 180, 186 and 188 of the National Planning Policy Framework (2023) and Policy GNLP3 of the Greater Norwich Local Plan 2024.