# Guidance Note for Broadland District Council planning applications on preparation of the Template Shadow Habitat Regulations Assessment

# Introduction

The Conservation of Habitats and Species Regulations 2017 requires all competent authorities to complete a Habitats Regulations Assessment (HRA) prior to the determination of planning applications. The conducted assessment will establish whether a project or plan will have a likely significant effect on the integrity of Special Protection Areas, Special Areas of Conservation and Ramsar Sites (Habitats Sites, also known as European Sites and Natura 2000 Sites).

New developments are required to mitigate the potential for recreational activities to disrupt the protection objectives of Habitats Sites in and around Norfolk, and must demonstrate compliance with the Habitats Regulations. Permission cannot be granted unless there is demonstrable evidence that any potential impacts have been satisfactorily assessed and mitigated.

It is the responsibility of the applicant to provide all relevant information necessary for completion and conclusion of the HRA. The template Shadow HRA is intended to enable applicants to ensure they provide all required information. Please note that the shadow template is only suitable for developments where no potential for direct effects on protected wildlife sites have been identified (in such instances, a bespoke HRA will be required). Provided that the Council deems the shadow HRA to satisfy the perquisites, the completed template will be filed as the HRA record for the determination of the planning application.

The requirements should be satisfied at the earliest possible stage, ideally at pre-application stage.

# The HRA for the Greater Norwich Local Plan (2019)

The Habitats Regulations Assessment for the Greater Norwich Local Plan outlines that the increased recreational use of Habitats Sites, consequent to new development, has the potential to:[[1]](#footnote-1)

* Cause damage to soils and vegetation through trampling and erosion;
* Cause disturbance to sensitive species, particularly ground-nesting birds and wintering wildfowl;
* Cause eutrophication as a result of dog fouling;
* Cause littering, giving rise to potential animal mortality, nutrient enrichment and small-scale pollution;
* Prevent appropriate management or exacerbate existing management difficulties, for example grazing being restricted.

The HRA identifies three strands to providing satisfactory mitigation to the adverse effects of increased recreational use on Habitats Sites:[[2]](#footnote-2)

* A tariff based payment taken from residential, and other relevant accommodation e.g. tourist accommodation, which will be used to fund a mixture of mitigation measures, most likely consisting of: soft and hard mitigation measures at the designated natural sites themselves to increase their resilience to greater visitor numbers.
* The provision of Suitable Alternative Natural Green Space (SANGs), which would be large enough to meet a range of needs and sufficiently well publicised for effective mitigation.
* Implementation of a wider programme of Green Infrastructure Improvements in accordance with current and emerging project plans so that residents of existing and proposed housing have an alternative to Habitats Sites.

The HRA for the GNLP indicated that where such mitigation measures are implemented, this may be sufficient to ascertain no adverse effect upon the integrity of Habitats Sites in relation to recreation.[[3]](#footnote-3)

# The Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (2021)

The Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS) (2021)[[4]](#footnote-4) implements a strategy of mitigation measures to alleviate the potential disruption to Habitats Sites caused by recreational visits. It identifies that anticipated residential growth, combined with a rise in tourist accommodation, will increase the number of visitors to protected Habitats Sites and thereby increase the potential harm. In line with Natural England’s advice, the GIRAMS strategy details the mitigation measures needed to avoid these adverse effects, ensuring new development is compliant with Habitats Regulations.

The Norfolk GIRAMS identifies particular Zones of Influence (ZOIs) which represent the extent of land around Habitats Sites within which residents travel to the relevant site for recreational activities, as evidenced by extensive survey work. The following ZOIs cover the administrative area of the Council, and contain the following designated Habitats Sites: Norfolk Brecks ZOI (Breckland SPA, Breckland SAC), 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), and Broads ZOI (Broadland SPA, Broadland Ramsar, Breydon Water SPA, The Broads SAC).

A total of 25 different bird species are specifically listed by Natural England as designated ‘Interest Features’ for many of the Habitats Sites across Norfolk and all sites support sensitive habitats. Recreational pressure results in disturbance to breeding birds (e.g. Little Terns) and non-breeding birds (e.g. wintering wildfowl and waders), as well as causing habitat damage to the sensitive habitats. The Norfolk coast has many locations identified through the Conservation Objectives for the Habitats Sites as hotspots for disturbance of sensitive habitats and other features. For example, the Wash and North Norfolk Coast SAC is important for breeding and moulting of one of Europe’s largest populations of common seal: a designated Interest Feature. The Habitats Sites in the Broads are also suffering from recreational impacts on SAC habitats and disturbance to wintering waterfowl in particular.[[5]](#footnote-5)

1. RAMS Tariff

The Recreational impact Avoidance and Mitigation Strategy (RAMS) comprises strategic measures to mitigate the adverse recreational impacts on Habitats Sites, which will be costed and funded through evidence-based developer contributions to ensure development is compliant with Habitats Regulations. A per dwelling tariff for the Norfolk-wide RAMS has been calculated by dividing the total forecast cost of the RAMS mitigation package by the total number of houses still to be delivered over Local Plan periods.

This cost is identified as **£185.93 per dwelling** and per 6 bedspace for tourist accommodation units or per 2.5 bedspace for student accommodation units.[[6]](#footnote-6) The tariff will be due on commencement of the development and increased in line with the BCIS General Index of Retail Price (all items) at the point of payment.

The RAMS tariff will apply to the following:[[7]](#footnote-7)

1. All new dwellings of 1+ units in current site allocations and windfall (excludes replacement dwellings and extensions);
2. Houses in Multiple Occupancy e.g. hotels, guest houses and lodges;
3. Student accommodation;
4. Residential care homes and residential institutions (excludes nursing homes);
5. Residential caravan sites/mobile homes/park homes;
6. Gypsies, travellers and travelling show people plots;
7. Residential moorings, holiday caravans, touring pitches and campsites.

For developments that do not require a Section 106 agreement (typically those under 5 dwellings), payment of the RAMS tariff will be secured via a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990. Where the proposed development already requires a Section 106 agreement, payment of the RAMS tariff will be included within the relevant agreement.

1. Green Infrastructure Provision

Green infrastructure provision is essential to divert and deflect regular recreational visits away from the sensitive Habitats Sites. Whereas RAMS provides the mitigation for the in-combination effects caused cumulatively by planned growth, Green Infrastructure measures will deliver mitigation needed for the recreational impacts caused by individual residential developments, providing suitable alternative natural green space (SANGs) on/near the development site to reduce visitation to Habitats Sites at first instance. Green Infrastructure can be understood as a network of natural and semi-natural assets and spaces, which are joined together connecting urban and rural areas and are habitually strategically planned.[[8]](#footnote-8)

As outlined in the HRA for the Greater Norwich Local Plan (GNLP) and incorporated into Policy 3 of the GNLP, all residential development is required to provide green infrastructure equating to a minimum of **2 hectares per 1,000 population** to reflect Natural England’s Accessible Natural Greenspace Standard. Where this provision cannot be met on-site, a relevant commuted sum will be sought based upon the total number of dwellings and respective housing mix.

For developments that do not require a Section 106 agreement (typically those under 5 dwellings), the Green Infrastructure provision will be secured via a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990. Where the proposed development already requires a Section 106 agreement, the provision of Green Infrastructure will be included within the relevant agreement.

For developments under 5 dwellings, the calculation table for the Green Infrastructure commuted sum can be found in the template Unilateral Undertaking. The Green Infrastructure contribution will be due upon commencement of the development and increased in line with the BCIS All-in Tender Price Index at the point of payment.

Please note that developments of 5 or more dwellings will also need to comply with the requirements of the Recreational Provision in Residential Development SPD (2016)[[9]](#footnote-9) in relation to the provision of informal open space. For developments of this size, the Green Infrastructure contribution will be calculated in accordance with the tables specified in the SPD.

# Thresholds for use of the template shadow HRA

If the potential for *direct effects* on protected Habitats Sites have been identified, the shadow template should not be used and a bespoke HRA is required to be undertaken.

In instances where a bespoke shadow HRA is required, the assessment will need to be undertaken by a qualified person (e.g. an ecologist). The HRA should demonstrate that the development will not result in any adverse effects on the integrity of Habitats Sites, having carried out relevant screening of likely implications and incorporating any necessary mitigation measures into the Appropriate Assessment stage.

Please note that as the competent authority, the Council reserves the right to request further information where it considers this to be necessary. In such instances, use of the template shadow HRA will not be appropriate and a bespoke HRA may be required.

1. <https://gnlp.oc2.uk/docfiles/46/GNLP%20Reg%2018%20HRA%20Final.pdf> (5.3.1) [↑](#footnote-ref-1)
2. <https://gnlp.oc2.uk/docfiles/46/GNLP%20Reg%2018%20HRA%20Final.pdf> (5.10.4) [↑](#footnote-ref-2)
3. <https://gnlp.oc2.uk/docfiles/46/GNLP%20Reg%2018%20HRA%20Final.pdf> (5.10.6) [↑](#footnote-ref-3)
4. <https://www.gnlp.org.uk/sites/gnlp/files/2021-03/Norfolk_GI_RAMS_Strategy_March_2021.pdf> [↑](#footnote-ref-4)
5. <https://www.gnlp.org.uk/sites/gnlp/files/2021-03/Norfolk_GI_RAMS_Strategy_March_2021.pdf> (3.2.2.1) [↑](#footnote-ref-5)
6. <https://www.gnlp.org.uk/sites/gnlp/files/2021-03/Norfolk_GI_RAMS_Strategy_March_2021.pdf> (3.4.1.1) [↑](#footnote-ref-6)
7. <https://www.gnlp.org.uk/sites/gnlp/files/2021-03/Norfolk_GI_RAMS_Strategy_March_2021.pdf> (3.4.1) [↑](#footnote-ref-7)
8. <https://www.gnlp.org.uk/sites/gnlp/files/2021-03/Norfolk_GI_RAMS_Strategy_March_2021.pdf> (2.1) [↑](#footnote-ref-8)
9. <https://www.southnorfolkandbroadland.gov.uk/downloads/file/271/recreational-provision-in-residential-development-supplementary-planning-document-spd-> [↑](#footnote-ref-9)