

Date: 12 August 2019
 Our ref: 257629

Broadland District Council
 Breckland District Council
 Great Yarmouth Borough Council
 King's Lynn & West Norfolk Borough Council
 North Norfolk District Council
 Norwich City Council
 Norfolk County Council
 South Norfolk Council
 Broads Authority



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Emerging strategic approach relating to the Norfolk Recreational disturbance Avoidance and Mitigation Strategy and Green Infrastructure Strategy. Interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.

Dear Sir/Madam

Natural England welcomes that fact that Broadland District Council, Breckland District Council, Great Yarmouth Borough Council, The Borough Council of King's Lynn & West Norfolk, North Norfolk District Council, Norwich City Council, South Norfolk Council, Norfolk County Council and the Broads Authority are working in partnership on a countywide Recreational Avoidance Strategy (RAMS) and Mitigation and Green Infrastructure Strategy (GI).

The Norfolk RAMS and GI Strategy is a large scale strategic project which involves all of the Norfolk authorities working together to help mitigate the effects of recreational disturbance impacts on sensitive designated sites likely to arise as a result of increased housing over the respective local plan periods. This approach will build on the existing evidence included within the Norfolk Visitor Survey Report¹ which provides a comprehensive analysis of current and projected visitor patterns to European designated sites across Norfolk. Once finalised and adopted, the RAMS will comprise of strategic mitigation measures to address such effects, which will be costed and funded through developer contributions.

This strategy will form an evidence base for local plans to ensure that residential planning applications which have the potential to impact on European designated sites are compliant with the Habitats Regulations². It specifically relates to additional recreational impacts that may occur on the interest features of the following European designated sites:

- Ouse Washes SPA, SAC and Ramsar
- Breckland SPA and SAC

¹ Panter *et al* (2016) *Visitor Surveys at European Protected Sites across Norfolk during 2015 and 2016*, Footprint Ecology sites

² Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the 'Habitats Regulations'). Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

³ Taken from Jenkinson, S., (2013), *Planning for dog ownership in new developments: reducing conflict – adding value. Access and greenspace design guidance for planners and developers*

- Roydon Common and Dersingham Bog SAC
- Roydon Common Ramsar
- Dersingham Bog Ramsar
- The Wash SPA and Ramsar
- The Wash and North Norfolk Coast SAC
- North Norfolk Coast SAC, SPA and Ramsar
- Overstrand Cliffs SAC
- River Wensum SAC
- Norfolk Valley Fens SAC
- Winterton - Horsey Dunes SAC
- Great Yarmouth North Denes SPA
- Broadland SPA
- Breydon Water SPA
- The Broads SAC
- Waveney and Little Ouse Valley Fens SAC
- Redgrave and South Lopham Fen Ramsar

For further information on these sites, please see the [Conservation Objectives](#) and Information Sheets on [Ramsar Wetlands](#) which explain how each site should be restored and/or maintained.

Zones of Influence

As part of the work to inform the Norfolk RAMS evidence base 'zones of Influence' (ZOI) have been calculated following the collation and analysis of the Norfolk Visitor Survey data to determine the distances within which residents of new housing are likely to regularly visit relevant designated sites for recreation.

Table 1 shows the calculated Zoi but does not include all of the above listed designated sites, specifically the Ouse Washes, Overstrand Cliffs, River Wensum, Waveney and Little Ouse Valley Fens and Redgrave and South Lopham Fen. The calculated Zoi cover the breadth of Norfolk County encompassing all designated sites, consideration should be given to determine if the strategy could include the required visitor data collection and site monitoring to determine site specific mitigation where there are gaps in evidence.

Table 1: Zones of Influence

Area	European Designated Sites	Zoi (km)
Breckland sites	Breckland SPA Breckland SAC	26
Broads sites	The Broads SAC Broadland SPA	25
East Coast sites	Breydon Water SPA Winterton-Horsey Dunes SAC Great Yarmouth and North Denes SPA	30
North Coast sites	North Norfolk Coast SAC North Norfolk Coast SPA The Wash and North Norfolk Coast SAC	42
Roydon and Desingham	Roydon Common and Dersingham Bog SAC Roydon Common Ramsar Dersingham Bog Ramsar	12
Norfolk Valley Fens	Norfolk Valley Fens SAC	15
The Wash	The Wash SPA The Wash Ramsar The Wash and North Norfolk Coast SAC	61

Once the Zol have been finalised, it will be anticipated that any new residential development within an identified zone will constitute a likely significant effect (LSE) on the sensitive interest features of the above designated sites through increased recreational pressure, either when considered 'alone' or 'in combination'. The RAMS (or associated Supplementary Planning Document) will, once adopted, specify requirements for developer contributions via a per house tariff to an agreed and costed suite of measures which have been developed to mitigate impacts to these designated sites.

Consultation arrangements

It is recognised that a proportion of the residential allocations in your local plans will be coming forward as planning applications prior to the adoption of the Norfolk RAMS. In the interim period until the RAMS is in place and the necessary developer contributions are known, it is important that any recreational impacts from residential schemes such as these are considered in terms of the Habitats Regulations through a project level Habitats Regulations Assessment (HRA). All planning decisions should be able to show that impacts to designated sites can be adequately mitigated and this should be demonstrated through appropriate assessment. Those boroughs and districts with existing strategies should continue to follow their established process and seek consultation in accordance with agreed criteria.

Natural England has already developed a set of [Impact Risk Zones \(IRZs\)](#) which helps guide planning authorities on the types and scale of development that we should be consulted on. We advise that we should continue to be consulted in line with these arrangements (i.e. where there are other IRZs are triggered in addition to the Norfolk RAMS)

Once Zol have been agreed, Natural England will refine residential IRZ's for the above designated sites to align with the Norfolk RAMS project and capture new residential development which falls within the Zols shown in Table 1 above; these will relate to the following development types:

- New dwellings of 1+ units (excludes replacement dwellings and extensions)
- Houses in Multiple Occupancy (HMOs)
- Student Accommodation
- Residential care homes and residential institutions (excludes nursing homes)
- Residential caravan sites (excludes holiday caravans and campsites)
- Gypsies, travellers and travelling show people plots

We advise that the applications in scope for consideration should include all new applications as well as those with outline planning permission where this issue has not previously been assessed through the HRA process.

Once strategic mitigation measures are agreed and costed, we will write to you again, as this will enable affected development projects to contribute in a standardised manner. We will then update our Impact Risk Zones to capture the majority of new residential housing development in this way.

Approach to avoidance and mitigation measures for recreational disturbance

We have included within Annex A of this letter a suggested HRA record template which can be used to record the conclusions of both the Screening and Appropriate Assessment stages of HRAs for planning applications within scope of the Norfolk RAMS for which recreational disturbance to the above sites is the only HRA issue. The use of this template is not mandatory but we have provided it in an attempt to streamline the process and make it as straightforward and consistent as possible for the authorities involved in the RAMS.

¹ Panter *et al* (2016) *Visitor Surveys at European Protected Sites across Norfolk during 2015 and 2016*, Footprint Ecology sites

² Conservation of Habitats and Species Regulations 2017, as amended (commonly known as the 'Habitats Regulations'). Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

³ Taken from Jenkinson, S., (2013), *Planning for dog ownership in new developments: reducing conflict – adding value. Access and greenspace design guidance for planners and developers*

Green Infrastructure

Natural England recommends that large developments (50+ houses) include green space that is proportionate to its scale to minimise any predicted increase in recreational pressure to designated sites, by containing the majority of recreation within and around the developed site. The [Suitable Accessible Natural Green Space](#) (SANGS) guidance can be helpful in designing this; it should be noted that this document is specific to the SANGS creation for the Thames Basin Heaths, although the broad principles are more widely applicable. Green infrastructure design should seek to achieve the Natural England Accessible Natural Greenspace Standards, detailed in [Nature Nearby](#), including the minimum standard of 2ha informal open space within 300m of everyone's home. As a minimum, we advise that such provisions should include:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km¹ within the site and/or with links to surrounding public rights of way (PRoW)
- Dedicated 'dogs-off-lead' areas
- Signage/information leaflets to householders to promote these areas for recreation
- Dog waste bins
- to the long term maintenance and management of these provisions

To provide adequate mitigation onsite GI should be designed to provide a multifunctional attractive space of sufficient size to reduce frequent visits to sensitive sites. It should facilitate a variety of recreational activities whilst supporting biodiversity. Evidence and advice on green infrastructure can be found on the Natural England [Green Infrastructure web](#) pages. We also recommend the [Green Infrastructure Partnership](#) as a useful source of information when creating and enhancing GI.

Local Planning Authorities may also wish to consider to benchmark standards for accessible natural greenspace, the TCPA have published [Guides and Principles for Garden Communities](#), and Guide 7, Principal 9, references 40% green infrastructure as a target quantum. Whilst some larger housing allocations may not technically qualify for Garden Community status, nevertheless Natural England advises that this represents a quantum and quality standard which is aspirational in this context.

For individual schemes, Natural England would be happy to advise developers and/or their consultants on the detail of requirements at the pre-application stage through our charged Discretionary Advice Service, further information on which is available [here](#).

For any queries relating to the specific advice in this letter only please contact Victoria Wight using the details given below . For any new consultations, or to provide further information on this consultation, please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Victoria Wight
Norfolk and Suffolk Area Team

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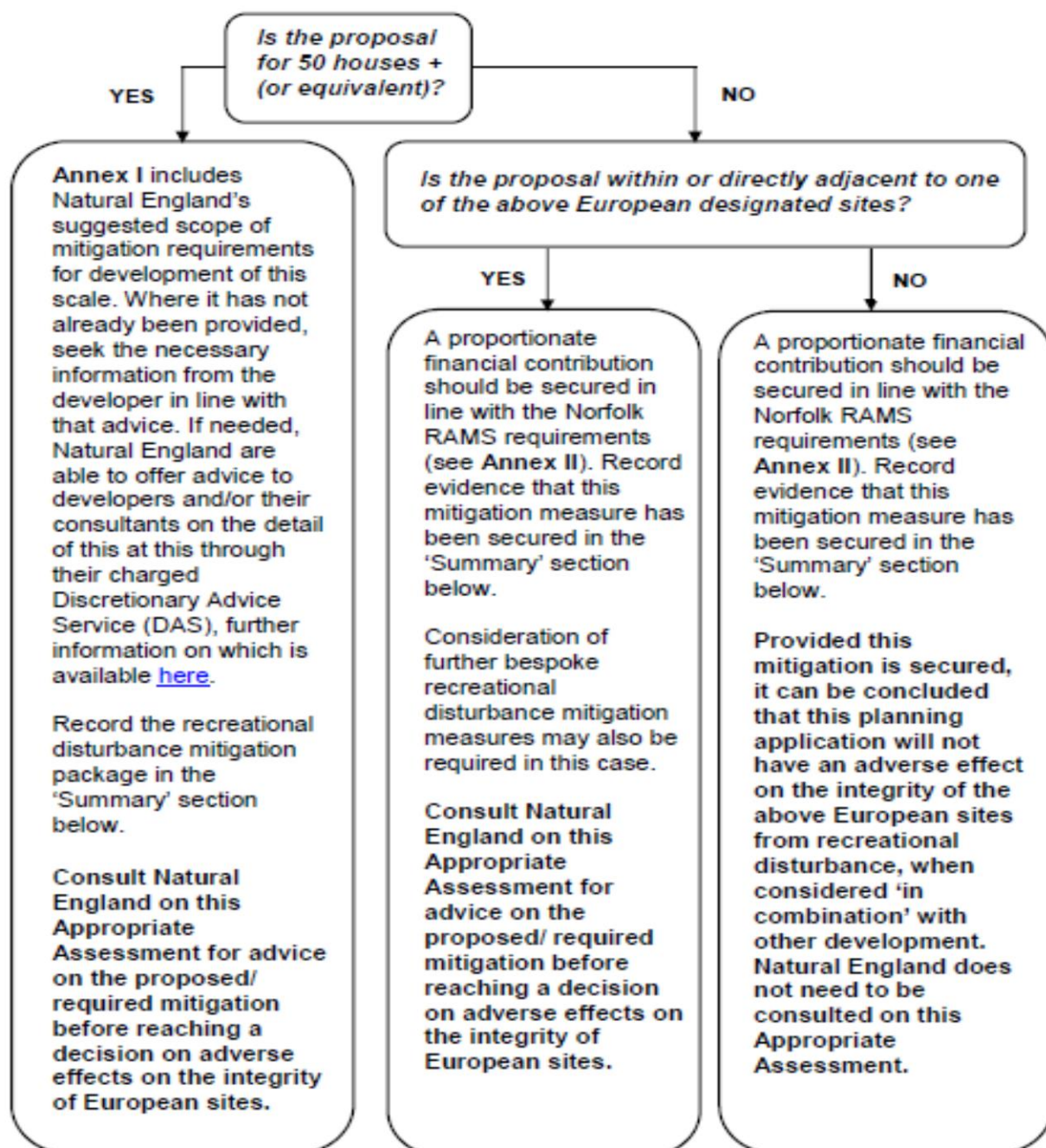
Cc: Sue Hooton, Essex Place Services

**Annex A: Norfolk Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
Habitat Regulation Assessment (HRA) Record**

Application details	
Local Planning Authority:	
Case officer	
Application reference:	
Application description:	
Application address:	
Status of Application:	
Grid Ref:	
HRA Stage 1: screening assessment	
Test 1 – the significance test: Based on the development type and proximity to European designated sites, a judgement should be made as to whether the development constitutes a 'likely significant effect' (LSE) to a European site in terms of increased recreational disturbance	
<div style="border: 1px solid black; border-radius: 15px; padding: 10px; margin-bottom: 10px;"> <p><i>Is the development within THE Zone of Influence (Zoi) for the Norfolk Rams with respect to the below sites</i></p> <ul style="list-style-type: none"> 20km Brecks Sites; Breckland SPA, SAC 25km Broads Sites; The Broads SAC and Broadland SPA 30km East Coast Sites; Breydon Water SPA, Winterton-Horsey Dunes SAC and Great Yarmouth and North Denes SPA 42km North Coast Sites; North Norfolk Coast SAC, SPA, Ramsar and the Wash and North Norfolk Coast SAC 12km Roydon and Dersingham Bog SAC and Ramsar 15km of Norfolk Valley Fens SAC 61km of The Wash; The Wash SPA, Ramsar and The wash and North Norfolk Coast SAC </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>YES</p> <div style="border: 1px solid black; border-radius: 15px; padding: 10px; margin-bottom: 10px;"> <p><i>Does the planning application fall within the following development types?</i></p> <ul style="list-style-type: none"> New dwellings of 1+ units included in current site allocations and windfall (excludes replacement dwellings and extensions) Houses in Multiple Occupancy (HMOs) Student Accommodation Residential care homes and residential institutions (excludes nursing homes) Residential caravan sites (excludes holiday caravans and campsites) Gypsies, travellers and travelling show people plots </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>YES</p> <div style="border: 1px solid black; border-radius: 15px; padding: 10px; margin-bottom: 10px;"> <p>Conclude LSE. This proposal is within scope of the Norfolk Coast RAMS as it falls within the 'zone of influence' for likely impacts and is a relevant residential development type as listed above. It is anticipated that such development in this area is 'likely to have a significant effect' upon the interest features of the aforementioned designated site(s) through increased recreational pressure, when considered either alone or in combination. Therefore:</p> <ul style="list-style-type: none"> Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites Check IRZs to see whether recreational disturbance is an issue for non-coastal European sites or Sites of Special Scientific Interest (SSSIs). If so, this will also need assessing outside of this HRA form. </div> </div> <div style="width: 45%;"> <p>NO</p> <div style="border: 1px solid black; border-radius: 15px; padding: 10px; margin-bottom: 10px;"> <p>Conclude no LSE to the above designated sites in terms of recreational disturbance:</p> <ul style="list-style-type: none"> An Appropriate Assessment (AA) is not required where recreational disturbance to these sites is the only issue or recreational disturbance to these sites can be scoped out of any HRA covering other issues. Check IRZs to see whether recreational disturbance is an issue for non-coastal European sites or Sites of Special Scientific Interest (SSSIs). If so, this will also need assessing outside of this HRA form. </div> </div> </div> <div style="width: 45%;"> <p>NO</p> <div style="border: 1px solid black; border-radius: 15px; padding: 10px;"> <p>The proposal is outside the scope of the Norfolk RAMS. However, applications involving unplanned development or tourist accommodation (including holiday caravans and campsites) could still potentially have recreational disturbance impacts (and other impacts) on designated sites, including those listed above. In cases such as this, consult Natural England for bespoke advice before concluding no LSE.</p> </div> </div> </div> </div>	

HRA Stage 2: Appropriate Assessment

Test 2 – the integrity test: The applicant must provide sufficient evidence to allow the Appropriate Assessment to be made, which is the stage at which avoidance and/or mitigation measures can be considered



Summary of the Appropriate Assessment : To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England (where necessary)

Summary of recreational disturbance mitigation package

[INSERT]

Conclusion

Having considered the proposed avoidance and mitigation measures above, [INSERT LPA] conclude that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Norfolk RAMS.

Having made this appropriate assessment of the implications of the plan or project for the site(s) in view of that (those) site(s)'s conservation objectives, and having consulted Natural England and fully considered any representation received (where necessary), the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Local Planning Authority Case Officer comments, signed and dated:

Annex I – Natural England’s recommendations for larger scale residential developments within the identified Norfolk RAMS zone of influence (50 units +, or equivalent, as a guide)

Developments of this scale should include provision of well-designed open space/green infrastructure, proportionate to its scale. Such provisions can help minimise any predicted increase in recreational pressure to the European sites by containing the majority of recreation within and around the development site boundary away from European sites. We advise that the Suitable Accessible Natural Green Space (SANGS) guidance here can be helpful in designing this; it should be noted that this document is specific to the SANGS creation for the Thames Basin Heaths, although the broad principles are more widely applicable. As a minimum, we advise that such provisions should include:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km³ within the site and/or with links to surrounding public rights of way (PRoW)
- Dedicated ‘dogs-off-lead’ areas
- Signage/information leaflets to householders to promote these areas for recreation
- Dog waste bins
- A commitment to the long term maintenance and management of these provisions

Natural England would be happy to advise developers and/or their consultants on the detail of this at the pre-application stage through our charged Discretionary Advice Service (DAS), further information on which is available [here](#).

However, the unique draw of the above European sites means that, even when well-designed, ‘on-site’ provisions are unlikely to fully mitigate impacts when all residential development within reach of the coast is considered together ‘in combination’. We therefore advise that consideration of ‘off-site’ measures (i.e. in and around the relevant European designated site(s)) is also required as part of the mitigation package for predicted recreational disturbance impacts in these cases. Such measures are to be delivered strategically through the Norfolk RAMS to make the sites more resilient to increased recreational pressures. A proportionate financial contribution should therefore be secured from these developments in line with the Norfolk RAMS.

Annex II – Natural England’s recommendations for smaller scale residential developments within the identified Norfolk RAMS zone of influence (0-49 units, or equivalent, as a guide) which are not within/directly adjacent to a European designated site

Whilst the provision of well-designed open space/green infrastructure on site or contributions towards strategic green infrastructure in your district is to be welcomed for developments of this scale, we advise that consideration of ‘off-site’ measures (i.e. in and around the relevant European designated site(s)) is required as mitigation for predicted recreational disturbance impacts in these cases as a minimum. Such measures are to be delivered strategically through the Norfolk RAMS to make the sites more resilient to increased recreational pressures. A proportionate financial contribution should therefore be secured from these developments in line with the Norfolk RAMS.