



West Winch Housing Access Road

Habitats Regulations Assessment: No Significant Effects Report

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Foreword

Norfolk County Council (NCC) is submitting a planning application, in its capacity as Highway Authority, for the West Winch Housing Access Road (hereafter referred to as the 'Proposed Scheme'). The Proposed Scheme suggests the construction of a new housing access road located within land to the east of West Winch village, linking the A10 Main Road to the A47 Constitution Hill. The Proposed Scheme is required to allow for the access to the proposed housing developments east of West Winch. These have been identified within the Borough Council of Kings Lynn and West Norfolk Local Plan as suitable for the development of approximately 4,000 new dwellings.

Under the requirements of the Conservation of Habitats and Species Regulations 2017 ('The Habitats Regulations') and the National Planning Policy Framework 2023 (NPPF) it is necessary to consider whether the proposed project may have significant effects upon areas of nature conservation importance designated/classified under the Habitats Regulations (Habitats Sites) and Ramsar sites.

The Norfolk Local Transport Plan 4 Implementation Plan, which provides information to inform Habitats Regulations Screening and Appropriate Assessment for proposed transport schemes within the county, identified the potential for adverse effects of the Proposed Scheme upon the National Sites Network, referred to as National Network sites and Ramsar sites within this statement. In addition, the NCC response, as the competent authority, to the Environmental Impact Assessment (EIA) Scoping Assessment for the Proposed Scheme identified the requirement for screening impacts upon National Network sites and Ramsar sites. The following sites were identified within the Zone of Influence (ZoI) of the Proposed Scheme:

- The Wash and North Norfolk Coast Special Area of Conservation (SAC);
- The Wash Special Protection Area (SPA); and
- The Wash Ramsar Site.



'Stage 1 – Screening' for the Habitats Regulations Assessment (HRA) was undertaken and identified that none of the National Network or Ramsar sites would suffer potential likely significant effects from the identified potential impact from air quality changes, habitat loss/fragmentation and/or loss of functionally linked land, either in isolation or in combination with other plans or projects.

Given that no likely significant effects were identified and/or screened out, the Proposed Scheme was not subject to 'Stage 2 - Appropriate Assessment'.



1 Introduction

1.1 Overview

1.1.1 Norfolk County Council (NCC), is both the 'Applicant' and as the Highway Authority and the 'Competent Authority' as the Local Planning Authority. NCC are submitting a planning application for the development of land at West Winch for the West Winch Housing Access Road (WWHAR) (hereafter referred to as the 'Proposed Scheme'). The Proposed Scheme comprises the construction of a new housing access road linking the A10 to the A47. The road will provide access to proposed new housing developments east of West Winch.

1.1.2 The Proposed Scheme is located in the King's Lynn and West district of Norfolk, as shown on Figure 1.1 in Appendix 1 (National Grid Reference TF 63933 16732). The Proposed Scheme is situated in the Borough Council of King's Lynn and West Norfolk administrative boundary.

1.2 Purpose of This Document

1.2.1 The Proposed Scheme lies to the south of the town of King's Lynn and is situated within proximity several sites within the National Sites Network (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)), hereafter collectively known as 'National Network' sites, and Ramsar sites in the wider area.

1.2.2 National Network sites are statutory designated sites of importance to nature conservation that are protected by the Conservation of Habitats and Species Regulations 2017 (as amended). Under the requirements of UK law through the Conservation of Habitats and Species Regulations 2017 ('The Habitats Regulations') (as originally derived from the European Council Directive 92/43/EEC 'The Habitats Directive and the Council Directive 79/409/EEC 'The Wild Birds Directive') it is necessary to consider whether the proposed project



may have significant effects upon areas of nature conservation importance designated/classified under the Directives.

- 1.2.3 Until further amendment, the legislation refers to National Network sites as 'European sites', although the former term has been adopted by UK nature conservation policy. Under this legislation 'Competent Authorities' must assess Plans and Projects for their potential to cause 'Likely Significant Effects' (LSEs) on National Network sites (SACs and SPAs), as well as Ramsar sites, in accordance with the National Planning Policy Framework (NPPF) (Ministry of Housing Communities & Local Government (MHCLG), 2023). LSEs of a Plan or Project must also be assessed in relation to any proposed SACs, potential SPAs, proposed Ramsar sites and Compensation Sites. Should LSEs be identified by the initial screening process it is necessary to further consider the effects by way of an 'Appropriate Assessment'. The assessment process is commonly referred to as Habitats Regulations Assessment (HRA).
- 1.2.4 This HRA provides NCC, as the Competent Authority, with the information it needs to inform an assessment of LSEs associated with the Proposed Scheme on National Network sites and Ramsar sites, to make an appropriate assessment of the implications of the Proposed Scheme on National Network and Ramsar sites in view of the sites' Conservation Objectives. This report will also determine whether further HRA stages need to be applied to achieve compliance with legislation.

2 Description of the Proposed Scheme

2.1 Overview

2.1.1 The main elements of the West Winch Housing Access Road (WWHAR) ('the Proposed Scheme') include:

- A 3.5km long carriageway to the east of West Winch connecting the A47 with the existing A10, providing access to proposed housing development;



- Modifications to the existing Hardwick Interchange and dualling of the existing A47 between Hardwick Interchange and the housing access road;
- The housing access road will be predominantly single carriageway, with a short section of dual carriageway on the approach to the A47 and feature a total of five roundabouts including;
 - A partially signalised roundabout junction where the housing access road meets the A47;
 - A roundabout on the housing access road providing access to the Hardwick Green (i.e. Hopkins Homes) planned development, plus two roundabout junctions to accommodate connections to further housing development;
 - A roundabout at the southern end of the housing access road, providing a connection to the existing A10 with new signalised crossings nearby;
- Treatment of local roads severed by the housing access road including an overbridge at Rectory Lane to accommodate road and bridleway users, and closure of Chequers Lane where it crosses the scheme with an at-grade signalised crossing, to maintain east to west access;
- Modifications to the existing A10 to improve safety and support its repurposing as a local traffic route;
- Construction of drainage features, including basins, and associated maintenance access tracks;
- Landscaping, and connections for non-motorised users;
- Utility diversions, including National Grid gas mains;
- Demolition of Hill Cottages on A47 Constitution Hill; and



- Temporary use of land during construction for working areas, haul routes, site compounds, and storage.

2.1.2 The Proposed Scheme is required to allow for the access to the proposed housing developments east of West Winch. These have been identified within the Borough Council of Kings Lynn and West Norfolk (hereafter 'BCKLWN') Local Plan as suitable for the development of approximately 4,000 new dwellings.

2.2 Aims of the Proposed Scheme

2.2.1 The Proposed Scheme is required to allow for the access to the proposed housing developments east of West Winch and to facilitate access to sites identified in the BCKLWN Local Plan for housing, including the proposed Hardwick Green development being promoted by Hopkins Homes Ltd. The local highway does not have sufficient highway capacity in its current form to accommodate the anticipated growth, therefore additional capacity must be created.

2.2.2 In addition to providing capacity to facilitate housing, the WWHAR aims to accommodate strategic north-south traffic into and out of King's Lynn, improving reliability for road users, removing heavy goods vehicles from residential areas and improving highway safety for residents of West Winch and other vulnerable road users.

2.2.3 The objectives for the Proposed Scheme are:

- Drive sustainable economic growth by supporting housing delivery and employment growth in the region;
- Enhance the A10's role as a strategic link supporting the wider King's Lynn economy, and improve strategic connectivity with the national road network;
- Provide a more resilient road network to improve journey time reliability and safety for all users;



- Ensure connectivity of the proposed new housing development at West Winch with the greater road network around King's Lynn and West Norfolk;
- Improve the quality of life of residents of West Winch by reducing the volume of non-local journeys through the village;
- Provide better conditions in West Winch and along the A10 for travel by non-motorised modes, and encourage and support walking, cycling and public transport use;
- Reduce the impacts of traffic on people and places within the Greater King's Lynn area; and
- Seek to minimise environmental impacts of intervention.

2.3 Proposed Scheme Boundary

2.3.1 All areas of land required temporarily or permanently for the construction and operational activities of the Proposed Scheme would be contained within the Proposed Scheme Boundary as illustrated in Figure 1.1 in Appendix 1. This boundary also includes off-site areas away from the main carriageway works to provide required environmental mitigation, and complimentary measures for the Proposed Scheme. The HRA is based upon this Scheme Boundary.

3 Habitats Regulations Assessment Process

3.1 Legislative Context

Habitats Regulations Assessment

3.1.1 The Conservation of Habitats and Species Regulations 2017 (as amended, hereafter referred to as the 'Habitats Regulations') protects a national network of sites within the UK consisting of SACs, SPAs, and by extension through planning policy, Ramsar convention wetlands. It is focused on intrinsically important habitats, and biological species populations and the habitats that support them. This 'National Site Network', termed the Natura 2000 network



prior to the UK's departure from the European Union, supports and forms part of a wider network of sites within Europe.

3.1.2 References to Natura 2000 in the 2017 Regulations and in guidance now refers to the National Site Network, referred to as National Network sites within this statement.

3.1.3 Maintaining a coherent network of protected sites with overarching conservation objectives is still required in order to:

- Fulfil the commitment made by government to maintain environmental protections; and
- Continue to meet our international legal obligations, such as the Bern Convention, the Oslo and Paris Conventions (OSPAR), Bonn and Ramsar Conventions.

3.1.4 Regulation 63 (1) of the Habitats Regulations states that 'A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site, —must make an Appropriate Assessment of the implications for that site in view of that site's conservation objective.'

3.1.5 Where effects on a National Network site are likely to be significant, they must be subject to the second stage of the HRA process, Appropriate Assessment. The Habitat Regulations also make allowance for projects or plans to be completed if they satisfy 'imperative reasons of overriding public interest (IROPI)':

(a) reasons relating to human health, public safety or beneficial consequences of primary importance to the environment; or



(b) any other reasons which the competent authority, having due regard to the opinion of the European Commission, consider to be imperative reasons of overriding public interest.

3.1.6 Regulations 64 and 68 of the Habitats Regulations regulates such situations.

3.1.7 Although the UK has now left the European Union, Court of Justice of the European Union (CJEU) decisions issued prior to 1st January 2021 remain binding until subsequent UK court decisions overrule them (noting that there is currently Parliamentary debate as to whether this will change).

National Planning Policy Framework 2023 (NPPF)

3.1.8 The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development (for the purposes of this assessment the Proposed Scheme is considered to be a development) can be produced. It must be taken into account in preparing the development plan and is a material consideration in planning decisions.

3.1.9 The NPPF (at para 185) states that when considering the conservation and enhancement of the natural environment, with regard to habitats and biodiversity, the Local Planning Authority should:

'...protect and enhance biodiversity and geodiversity, plans should:

Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and

promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.



3.1.10 References to Habitats Sites now refers to National Network sites.

3.1.11 Para 187 to 188 of the NPPF states:

'The following should be given the same protection as habitats sites:

potential Special Protection Areas and possible Special Areas of Conservation;

listed or proposed Ramsar sites; and

sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.'

3.2 Stages of Habitats Regulations Assessment

3.2.1 Following its departure from the European Union, the UK Government (through the Department for Environment, Food, and Rural Affairs (DEFRA)) has clarified that existing guidance applies to the HRA process following the UK's withdrawal from the European Union (EU). The EU (Withdrawal) Act 2018 likely supports the use of such guidance documents through Section 6 (2) which states:

3.2.2 *'[domestic courts and tribunals] may have regard to anything done by the CJEU or another EU entity [i.e., the European Commission] ... so far as it is relevant to any matter before the court or tribunal'*

3.2.3 Thus, existing guidance on the assessment of effects of plans or projects on Natura 2000 sites issued by the European Commission (2019) has been used by this Appropriate Assessment. This sets out the step-wise approach which should be followed to enable Competent Authorities to discharge their duties



under the Habitats Regulations. The process used is usually summarised in four distinct stages of assessment:

- **Screening (Stage 1):** the process to identify the likely effects of a plan or project upon the Qualifying Features and conservation objectives of National Network and/or Ramsar sites, either alone or in combination with other plans or projects and consider whether there will be a LSE.
- **Appropriate Assessment (Stage 2):** detailed consideration of LSEs and whether they would lead to significant adverse effects on the integrity of the National Network and/or Ramsar sites, either alone or in combination with other plans and projects. Where there are adverse effects, mitigation is considered to offset them. Consent may only be granted at this stage if the Appropriate Assessment can conclude beyond reasonable scientific doubt that the plan or project will not have adverse effects (alone or in-combination with other plans or projects). If the mitigation options cannot avoid adverse effects, then development consent can only be given if Stages 3 and 4 are followed.
- **Assessment of Alternative Solutions (Stage 3):** the process which examines alternative ways of achieving the objectives of the plan or project that avoid or have lesser adverse effects on the integrity of the National Network and/or Ramsar sites.
- **Imperative Reasons of Overriding Public Interest (IROPI) (Stage 4):** the assessment where no alternative solutions exist and where adverse effects remain: an assessment of whether the development is necessary for IROPI and, if so, of the compensatory measures needed to maintain the overall coherence of the site or integrity of the National Network and/or Ramsar sites.

3.2.4 There is no specific definition of what constitutes a LSE, however case law (European Court of Justice C-127/02) clarified that in the context of a HRA, a LSE is one whose occurrence cannot be excluded based on objective information.



3.2.5 An outline of the main processes of a HRA are shown below in Figure 3.1, and the screening process described in greater detail in Section 3.3.

3.3 Screening (Stage 1)

3.3.1 An initial broad screening of National Network and/or Ramsar sites to investigate the potential for effects pathways linking them to the Proposed Scheme has been undertaken and is referred to as 'screening'. The screening process was wide-ranging and took into consideration the sensitivity and mobility of National Network and Ramsar site Qualifying Features (as listed in Table 4-1), e.g., marine mammal, bird and bat species, as well as the nature of the proposed works and working methods.

3.3.2 Its purpose is to identify the likely impacts upon a National Network and/or Ramsar site of a project or a plan, either alone or in combination with other plans or projects and considers whether these impacts are likely to be significant. It includes:

- Determining whether the plan or project is directly connected with or necessary for the management of applicable sites (SAC, SPA, Ramsar);
- Describing the project/plan that may have the potential for significant effects upon applicable sites;
- Undertaking an initial scoping for potential direct and indirect impacts upon applicable sites;
- Assessing the likely significance of any potential effects identified as resulting from these impacts, both alone and in-combination with other plans and projects; and
- Excluding sites where it can be objectively concluded that there will be no significant effects.

3.3.3 Results of the screening assessment are set out in Section 5.



3.3.4 The likely significant effects screening test is taken as a ‘trigger’ and identifies whether the greater scrutiny of an ‘appropriate assessment’ is necessary. Case law informs how likely significant effects should be interpreted, as follows:

- “Where such a plan or project is likely to undermine the conservation objectives of the site concerned, it must necessarily be considered likely to have a significant effect on the site (underlining added)”.
- “Notwithstanding the word “likely” in Article 6(3) [Habitats Directive] the precondition, before there can be a requirement to carry out an appropriate assessment, is not that significant effects are probable, a risk is sufficient”.
- A “risk” of significant effects on the site concerned “exists if it cannot be excluded on the basis of objective information that the plan or project will have significant effects on the site concerned” and “in case of doubt as to the absence of significant effects such an assessment must be carried out”.
- There must be “credible evidence that there was a real, rather than a hypothetical, risk”.

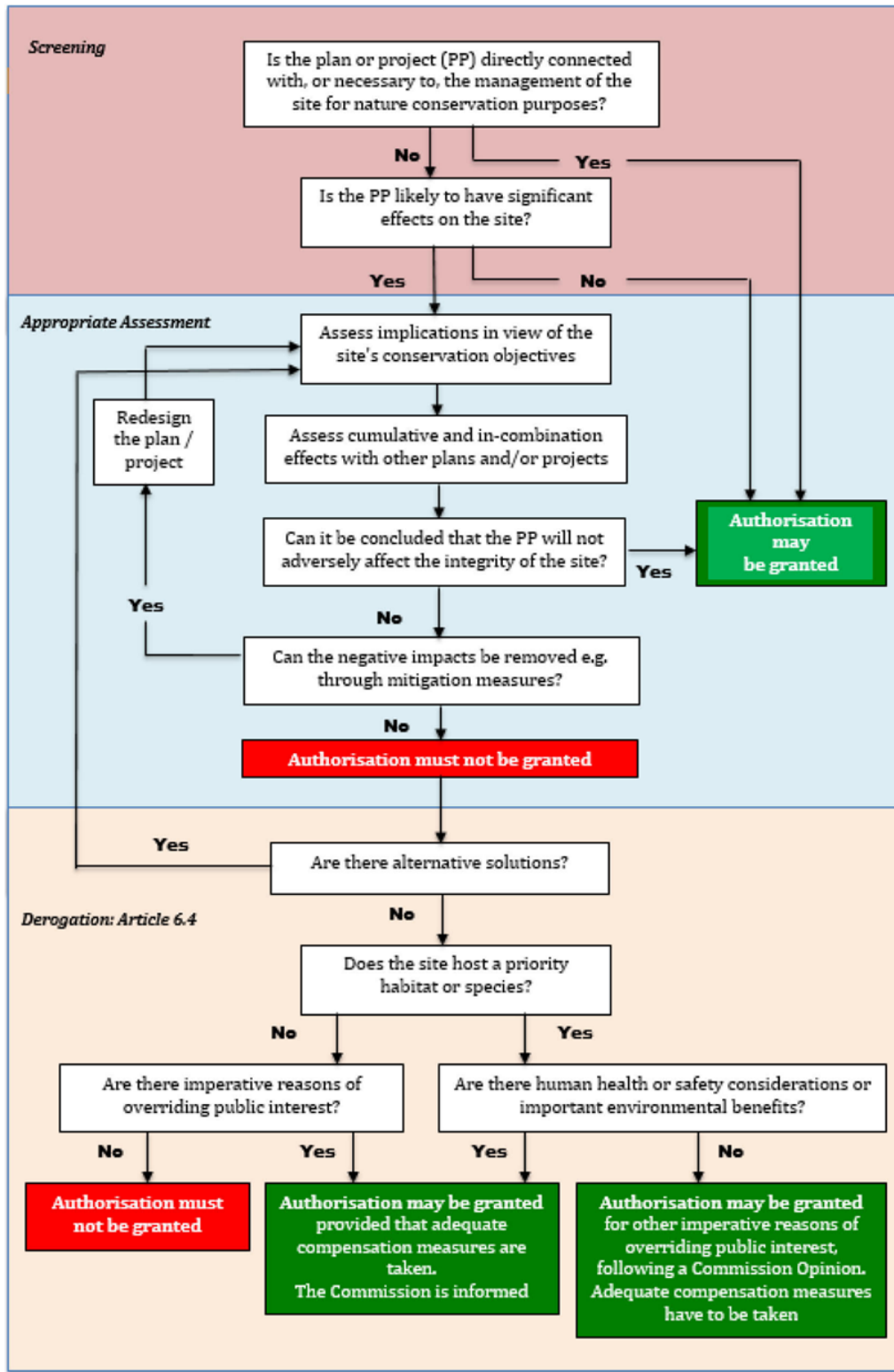
3.3.5 Following the judgement handed down by the CJEU in Case C-323/17 (referred to as People Over Wind), it is no longer appropriate to consider measures taken specifically to reduce a project’s potential impact on European designated sites into account at the screening stage. Accordingly, no reference to mitigation is made or relied upon in screening for this assessment.

3.4 Further HRA Stages

3.4.1 Stages 2, 3 and 4 are outside of the purpose of this report as this assessment concludes that the Proposed Scheme will not have any adverse effects (alone or in-combination with other plans or projects) on the National Network and Ramsar sites.



Figure 3.1 – Outline of the HRA process (European Commission, 2019)





4 Identification of National Network and Ramsar sites

4.1 Study Area and Zones of Influence (Zol)

4.1.1 The study area defines the geographic limits from the Proposed Scheme used to identify National Network and Ramsar sites to be considered within the HRA process and be screened for LSEs. Relevant National Network and Ramsar sites include all those that fall within a potential Zone of Influence (Zol) of the Proposed Scheme. The Zol is defined by the distance at which potential impacts arising from the project are likely to reach and affect interest features of National Network and Ramsar sites.

4.1.2 In order to determine an appropriate study area and Zol for the Proposed Scheme, information regarding potential impacts was referenced from the published Norfolk Local Transport Plan 4 Implementation Plan (NLTP4 IP) (WSP UK Ltd., 2022). The NLTP4 IP identified that the following potential adverse effects on National Network and Ramsar sites - to include the three sites as identified below in Section 4.2 – should be considered at the project-level:

- Changes in water quality;
- Changes in air quality;
- Increased recreational pressure; and
- Loss of supporting habitat and functionally linked land.

4.1.3 These potential adverse effects are considered further below.

Water Quality

4.1.4 At the project-level, the potential for changes in water quality and quantity as a result of increased water abstraction and discharge, have been considered. As the Proposed Scheme is a road scheme, it will not lead to increased water abstraction or increased discharge from housing.

4.1.5 Therefore, no further assessment of water quality effects on National Network and Ramsar sites as a result of the Proposed Scheme is required.



Air Quality

- 4.1.6 Traffic volume modelling was completed to identify the extent of the Affected Road Network (ARN). Perceptible effects of air quality changes are typically limited to within 200m of their source (Highways England, 2019), therefore a 200m buffer has been applied to the ARN for this Proposed Scheme, as shown in Figures 1.3 and 1.4 in Appendix 1. The traffic volume modelling was split into two scenarios; DS 2027 (as shown in Figure 1.3) and DS 2042 (as shown in Figure 1.4). In instances of strategic planning, where significant alterations in traffic volumes are possible, there is the potential for wider-scale impacts which can potentially affect the future background concentrations, as well concentrations within 200m of individual roads within the ARN. Natural England advises that the next step should be to identify the spatial distribution of Qualifying Features within a designated site. If there are no Qualifying Features sensitive to air pollution within 200m, then no further assessment is required (Institute of Air Quality Management (IAQM), 2020; Natural England, 2018a).
- 4.1.7 There are no National Network or Ramsar sites within 200m of the ARN, and therefore, no further assessment of air quality effects on National Network and Ramsar sites as a result of the Proposed Scheme is required.

Recreational Disturbance

- 4.1.8 At the project-level, the potential for changes in recreational pressures on National Network and Ramsar sites have been considered, such as increased visitor numbers as a result of increases in local population. The Proposed Scheme will not directly result in an increase in the number of dwellings or an increase in the local population, and the Proposed Scheme will not increase connectivity to any National Network or Ramsar sites. Therefore, there are no impact pathways between the Proposed Scheme and any National Network or Ramsar sites.
- 4.1.9 No further assessment of recreational disturbance on National Network or Ramsar sites as a result of the Proposed Scheme is required.



Habitat loss/fragmentation and loss of functionally linked land (FLL)

4.1.10 In order to identify all strategic corridors where potential direct, indirect and in-combination effects could reasonably be considered possible, a source-pathway-receptor approach was adopted. National Network and Ramsar sites with Qualifying Features with sensitivities, such as mobile bird and mammal species, which have the potential to be affected by the implementation of the Proposed Scheme, were initially investigated in a ZoI of 10km surrounding the Proposed Scheme, as measured from the Proposed Scheme Boundary. This radius was extended to include other National Network and Ramsar sites as necessary to ensure all potential LSEs could be investigated, for example, up to 30km where highly mobile bat species are the Qualifying Features of a SAC/candidate SAC (cSAC).

4.1.11 The study area reflects the high sensitivity of Qualifying Features of National Network and Ramsar sites and the fact they often support species that are mobile and wide ranging, such as birds.

4.1.12 Direct loss of habitat within the National Network or Ramsar site boundaries is unlikely to be a consideration due to the distance between the Proposed Scheme and the National Network and Ramsar sites within the ZoI. However, there is the potential for habitat fragmentation and the loss of FLL and/or supporting habitat for Qualifying Features of National Network and Ramsar sites.

4.1.13 All National Network and Ramsar sites with Qualifying Features sensitive to habitat fragmentation and loss of FLL within the ZoI have been included into the screening stage of the HRA process to identify potential LSEs and are shown in Figure 1.2 in Appendix 1.

4.1.14 The following National Network and Ramsar sites located within the ZoI have been excluded from the screening stage as they are not designated for features for which the impact of habitat fragmentation and loss of FLL could occur.

- Roydon Common and Dersingham Bog SAC



- Roydon Common (Ramsar)
- Norfolk Valley Fens (SAC)

4.1.15 In order to assess the impact of habitat fragmentation and loss of FLL on qualifying species of birds of the National Network and Ramsar sites, wintering and breeding bird data from surveys of the Proposed Scheme (detailed within the ES Annexes for wintering (Annex 8.8) and breeding birds (Annex 8.7) (WSP UK Ltd., 2023a and 2023b)) was used to define a 250m study area around the Proposed Scheme Redline Boundary available at the time of survey. Bird records of qualifying species of National Network and Ramsar sites within this 250m study area have been assessed in this statement, and bird data for relevant species is shown on Figure 1.5 in Appendix 1.

4.2 Sites Identified

4.2.1 Three National Network and Ramsar sites were identified that met the Zol criteria as described above. All three fall within the 10km study area and are shown on Figure 1.2 in Appendix 1. These designated sites are:

- The Wash and North Norfolk Coast SAC;
- The Wash SPA; and
- The Wash Ramsar site.

Qualifying Features

4.2.2 The Qualifying Features of each Habitats Site are described below.

The Wash and North Norfolk Coast SAC

4.2.3 This site encompasses the largest embayment in the UK, as well as extensive intertidal sand and mudflats, subtidal sandbanks, biogenic and geogenic reef, saltmarsh and a barrier beach system unique in the UK. The Wash is connected via sediment transfer systems to the North Norfolk coast. Under Article 4(4) of the Directive (92/43/EEC) the Annex I habitats that are a primary reason for selection of this site include: Sandbanks which are slightly



covered by sea water all the time; Mudflats and sandflats not covered by seawater at low tide; Large shallow inlets and bays; Reefs; *Salicornia* and other annuals colonizing mud and sand; and Atlantic salt meadows *Glaucopuccinellietalia maritima*, all for which this is considered to be one of the best areas in the United Kingdom (UK). The site also comprises Mediterranean and thermo-Atlantic halophilous scrubs *Sarcocornetea fruticosi*, for which this is one of only four known outstanding localities in the UK and which is considered to be rare. Annex II species that are a primary reason for selection of this site are the Harbour Seal *Phoca vitulina*, for which it supports the largest breeding colony in Europe, and the Otter *Lutra lutra* is present but not as a primary reason for site selection.

- 4.2.4 Covering 1078 km² it includes the following overlapping protected areas: The Wash SPA, North Norfolk Coast SAC and SPA, Gibraltar Point SPA and Inner Dowsing, Race Bank and North Ridge SAC (Natural England, 2018b; English Nature, 2005).

The Wash SPA

- 4.2.5 This site covers 622 km² and forms part of the larger Wash and North Norfolk Coast SAC which encompasses the largest embayment in the UK, as well as extensive intertidal sand and mudflats, subtidal sandbanks, biogenic and geogenic reef, saltmarsh and a barrier beach system unique in the UK.
- 4.2.6 The Wash SPA supports non-breeding: Bar-tailed Godwit *Limosa lapponica*; Bewick's Swan *Cygnus Columbianus bewickii*; Black-tailed Godwit *Limosa limosa islandica*; Common Scoter *Melanitta nigra*; Eurasian Curlew *Numenius arquata*; Dark-bellied Brent Goose *Branta bernicla bernicla*; Dunlin *Calidris alpina alpina*; Gadwall *Mareca strepera*; Common Goldeneye *Bucephala clangula*; Grey Plover *Pluvialis squatarola*; Red Knot *Calidris canutus*, Eurasian Oystercatcher *Haematopus ostralegus*; Pink-footed Goose *Anser brachyrhynchus*; Northern Pintail *Anas acuta*; Common Redshank *Tringa totanus*; Sanderling *Calidris alba*; Common Shelduck *Tadorna tadorna*; Ruddy Turnstone *Arenaria interpres*; waterbird assemblage and Eurasian Wigeon



Mareca penelope. It also supports breeding Common Tern *Sterna hirundo* and Little Tern *Sternula albifrons* (Natural England, 2019).

The Wash Ramsar Site

- 4.2.7 This Ramsar designation covers a vast intertidal embayment incorporating one of the largest and most important areas of estuarine mudflats, sandbanks and saltmarsh in the UK. Counts of wintering waterbirds reach 320,673 individuals and include nationally and internationally important numbers of numerous species, notably up to 17,000 passerines (perching songbirds). The site is also of outstanding international importance for passage birds, notable waders, and supports various breeding birds, and an important shell fishery (JNCC, 1998).
- 4.2.8 The species supported by the Wash Ramsar Site are Bar-tailed godwit, *Limosa lapponica*, Curlew, *Numenius arquata* – Wintering, Dark-bellied brent goose, *Branta bernicla* – Wintering, Dunlin, *Calidris alpina* – Wintering, Grey plover, *Pluvialis squatarola* – Wintering, Harbour (common) seal, *Phoca vitulina*. Knot, *Calidris canutus* – Wintering, Oystercatcher, *Haematopus ostralegus* – Wintering, Pink-footed goose, *Anser brachyrhynchus* – Wintering, Pintail, *Anas acuta* – Wintering, Redshank, *Tringa totanus* – Wintering, Sanderling, *Calidris alba* – Wintering, Shelduck, *Tadorna tadorna* – Wintering and Turnstone, *Arenaria interpres* – Wintering,

National Network and Ramsar sites Designation and Conservation Objectives

- 4.2.9 The reasons for designation of these sites, as well as the conservation objectives, are summarised in Table 4-1 below. Table 4-1 also summarises known vulnerabilities of these sites, collated from the Natura 2000 Standard Data Forms and Natural England Citations, Conservation Objectives and Site Improvement Plans.
- 4.2.10 Specific conservation objectives for Ramsar sites are not available, however where information was provided on monitoring or research at the site, this information has been summarised. Where a site has a dual classification of Ramsar with either SAC and/or SPA, the pressures and threats and



conservation objectives summarised as per their relevant Natura 2000 Standard Data Forms and Natural England citations, can be assumed to also affect that Ramsar designation.

4.2.11 The reasons for designation of these National Network and Ramsar sites and their known vulnerabilities are summarised in Appendix 3, which has been collated from the Natura 2000 standard data forms and Site Improvement Plans for each site (referenced in Appendix 3) which incorporates the Conservation Objectives.

4.2.12 With regard for the Qualifying Features and information on vulnerability of the sites detailed in Appendix 3, the broad conservation objectives for SACs and SPAs are to:

- 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:
 - The extent and distribution of qualifying natural habitats and habitats of qualifying species
 - The structure and function (including typical species) of qualifying natural habitats
 - The structure and function of the habitats of qualifying species
 - The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
 - The populations of qualifying species; and
 - The distribution of qualifying species within the site.

4.2.13 The use of the term Favourable Conservation Status (FCS) is not amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and the term still has the meaning given by Article 1 of the Habitats Directive. Defra (2021) does however note that “*an appropriate*



authority is only responsible for managing and adapting the national site network to secure FCS of a feature proportionately to the importance of the UK within the feature's natural range". The Habitats Directive provides further interpretation of the meaning of 'favourable conservation status' within Article 1 parts a, e and i as below.

'(a) conservation means a series of measures required to maintain or restore the natural habitats and the populations of species of wild fauna and flora at a favourable status as defined in (e) and (i);.....

(e) conservation status of a natural habitat means the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species within the territory referred to in Article 2. The conservative status of a natural habitat will be taken as "favourable" when:

- its natural range and areas it covers within that range are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable as defined in (i);

(i) conservation status of a species means the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within the territory referred to in Article 2; The conservation status will be taken as "favourable" when:

- - population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- - the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and



- - there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis’.

Table 4.1 – Relevant National Network and Ramsar sites and known threats and pressures on these sites

Site Name	Site Size (Ha)	Approx. Distance/ orientation from Site	Summary of reasons for designation summarised on Natura 2000 Standard Data Form or Ramsar Information Sheet (RIS)	Pressures and threats listed within the Site Improvement Plan (NE, undated) (T=Threat, P=Pressure) or Ramsar Information Sheet (RIS)	Conservation Objectives
The Wash and North Norfolk Coast SAC	107718	7km north	<p>The site is designated under the Article (4)4 of the Directive (92/43/EEC) as it hosts the following Annex I habitats:</p> <ul style="list-style-type: none"> ▪ 1110 Sandbanks which are slightly covered by sea water all the time. ▪ 1140 Mudflats and sandflats not covered by seawater at low tide. ▪ 1160 Large shallow inlets and bays ▪ 1170 Reefs ▪ 1310 <i>Salicornia</i> and other annuals colonizing mud and sand. ▪ 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) ▪ 1420 Mediterranean and thermo-Atlantic halophilous scrubs (<i>Sarcocornetea fruticosi</i>) ▪ 1150 Coastal lagoons <p>The site is also designated under the Article (4)4 of the Directive (92/43/EEC) as it hosts the following Annex II species:</p> <ul style="list-style-type: none"> ▪ 1365 Harbour Seal The Wash, on the east coast of England, is the largest embayment in the UK. The extensive intertidal flats here and on the North Norfolk Coast provide ideal conditions for Harbour seal breeding and hauling-out. This site is the largest colony of common seals in the UK, with some 7% of the total UK population. ▪ 1355 Otter 	<p>Inappropriate water levels (P)</p> <p>Public access/disturbance (T)</p> <p>Siltation (T)</p> <p>Fisheries: Recreational marine and estuarine (T)</p> <p>Invasive species (T)</p> <p>Inappropriate coastal management (T)</p> <p>Fisheries: Commercial marine and estuarine (T)</p> <p>Predation (T)</p> <p>Coastal squeeze (T)</p> <p>Change in land management (P)</p> <p>Air pollution: impact of atmospheric nitrogen deposition (P)</p> <p>Changes in species distributions (P)</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"> ▪ The extent and distribution of qualifying natural habitats and habitats of qualifying species ▪ The structure and function (including typical species) of qualifying natural habitats ▪ The structure and function of the habitats of qualifying species ▪ The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely ▪ The populations of qualifying species, and, ▪ The distribution of qualifying species within the site.
The Wash SPA	62044.03	7km north	<p>The site is designated under the Article (4)4 of the Directive (92/43/EEC) as it hosts the following qualifying species:</p> <ul style="list-style-type: none"> ▪ A037 Bewick's Swan (Non-breeding) ▪ A040 Pink-footed Goose (Non-breeding) ▪ A046a Dark-bellied Brent Goose (Non-breeding) ▪ A048 Common Shelduck (Non-breeding) ▪ A050 Eurasian Wigeon (Non-breeding) ▪ A051 Gadwall (Non-breeding) ▪ A054 Northern Pintail (Non-breeding) ▪ A065 Common Scoter (Non-breeding) ▪ A067 Common Goldeneye (Non-breeding) ▪ A130 Eurasian Oystercatcher (Non-breeding) ▪ A141 Grey Plover (Non-breeding) ▪ A143 Red Knot (Non-breeding) ▪ A144 Sanderling (Non-breeding) ▪ A149 Dunlin (Non-breeding) ▪ A156 Black-tailed Godwit (Non-breeding) ▪ A157 Bar-tailed Godwit (Non-breeding) ▪ A160 Eurasian Curlew (Non-breeding) ▪ A162 Common Redshank (Non-breeding) ▪ A169 Ruddy Turnstone (Non-breeding) ▪ A193 Common Tern (Breeding) ▪ A195 Little Tern (Breeding) ▪ Waterbird assemblage. 	<p>Inappropriate water levels (P)</p> <p>Public access/disturbance (T)</p> <p>Siltation (T)</p> <p>Fisheries: Recreational marine and estuarine (T)</p> <p>Invasive species (T)</p> <p>Inappropriate coastal management (T)</p> <p>Fisheries: Commercial marine and estuarine (T)</p> <p>Predation (T)</p> <p>Coastal squeeze (T)</p> <p>Change in land management (P)</p> <p>Air pollution: impact of atmospheric nitrogen deposition (P)</p> <p>Changes in species distributions (P)</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"> ▪ The extent and distribution of the habitats of the qualifying features ▪ The structure and function of the habitats of the qualifying features ▪ The supporting processes on which the habitats of the qualifying features rely ▪ The population of each of the qualifying features, and, ▪ The distribution of the qualifying features within the site.

Site Name	Site Size (Ha)	Approx. Distance/ orientation from Site	Summary of reasons for designation summarised on Natura 2000 Standard Data Form or Ramsar Information Sheet (RIS)	Pressures and threats listed within the Site Improvement Plan (NE, undated) (T=Threat, P=Pressure) or Ramsar Information Sheet (RIS)	Conservation Objectives
The Wash Ramsar	62211.66	7km north	<p>The site is designated under the Convention on Wetlands; Ramsar Convention (1971), as it meets Ramsar Criteria 1, 3, 5 and 6:</p> <ol style="list-style-type: none"> The Wash is a large shallow bay comprising very extensive saltmarshes, major intertidal banks of sand and mud, shallow water and deep channels. Qualifies because of the inter-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 the basis for the high productivity of the estuary. Assemblages of international importance; Species with peak counts in winter: 292541 waterfowl (5-year peak mean 1998/99-2002/2003). Qualifying species/populations occurring at levels of international importance: <p>Species with peak counts in spring/autumn:</p> <ul style="list-style-type: none"> Eurasian Oystercatcher Grey Plover Sanderling (wintering) Red Knot Eurasian Curlew (wintering) Common Redshank (breeding) Ruddy Turnstone (breeding) <p>Species with peak counts in winter:</p> <ul style="list-style-type: none"> Pink-footed Goose Dark-bellied Brent Goose Common Shelduck Northern Pintail Dunlin Bar-tailed Godwit <p>Species/populations identified subsequent to designation for possible future consideration under criterion 6. Species with peak counts in spring/autumn:</p> <ul style="list-style-type: none"> Ringed Plover <i>Charadrius hiaticula</i> Black-tailed Godwit <p>Species with peak counts in winter:</p> <ul style="list-style-type: none"> European Golden Plover <i>Pluvialis apricaria apricaria</i> Northern Lapwing (breeding) <i>Vanellus vanellus</i> <p>The Wash is the largest estuarine system in Britain. It is fed by the rivers Witham, Welland, Nene and Great Ouse. There are extensive saltmarshes, intertidal banks of sand and mud, shallow waters and deep channels. It is the most important staging post and over-wintering site for migrant wildfowl and wading birds in eastern England. It supports a valuable commercial fishery for shellfish and also an important nursery area for flatfish. It holds one of the North Sea's largest breeding populations of Common Seal and some Grey Seals <i>Halichoerus grypus</i>. The sublittoral area supports a number of different marine communities including colonies of the Reef-building Polychaete Worm <i>Sabellaria spinulosa</i>.</p>	Refer to pressures and threats as described for the SAC and SPA.	<p>Refer to Conservation Objectives as described for the SAC and SPA.</p> <p>Current scientific research and facilities:</p> <ul style="list-style-type: none"> Numbers of migratory and wintering wildfowl and waders are monitored annually as part of the national Wetland Birds Survey (WeBS) organised by the British Trust for Ornithology, Wildfowl & Wetlands Trust, the Royal Society for the Protection of Birds and the Joint Nature Conservation Committee. Bird Studies by the Wash Wader Ringing Group Waterfowl and invertebrate ecology studies by the Centre for Ecology and Hydrology Seal population studies by the Sea Mammal Research Unit. Annual monitoring of shellfish stocks by Eastern Sea Fisheries Joint Committee. Sediment types and distribution, processes, erosion, tides and currents have been studied by a variety of institutions and are expected to continue. The shoreline and water quality is routinely monitored by the Environment Agency. Land-Ocean Interaction Study by the Natural Environment Research Council (1992-98). <p>Current communications, education and public awareness (CEPA) activities related to or benefiting the site:</p> <ul style="list-style-type: none"> There are two field centres. Lincolnshire County Council run the Freiston field centre and Lincolnshire Wildlife Trust run the Gibraltar Point Field Station. <p>Recreational activities are subject to the Wash Estuary Management Plan but are not generally seen as detrimental to the site.</p>



5 Stage 1: Screening

5.1 National Network and Ramsar Sites Management Statement

5.1.1 This stage considers whether the Proposed Scheme is directly connected with or necessary to the management of National Network and Ramsar sites.

Within this context 'directly' means that the plan is solely conceived for the conservation management of a site or group of sites and 'management' refers to the management measures required in order to maintain, in favourable condition, the features for which e.g., a European site has been designated.

5.1.2 The Proposed Scheme is not directly connected with or necessary for the management of any of the National Network and Ramsar sites identified in Section 4 as within the HRA study area and ZoI. The Proposed Scheme has not been conceived solely to further the conservation of these sites and nor is it essential to the management of these sites.

5.2 Identification of Impacts

5.2.1 Construction phase impacts of the Proposed Scheme that have been identified and could lead to effects on National Network and Ramsar sites are:

- Habitat fragmentation and loss of FLL through site clearance.

5.2.2 Operational phase impacts of the Proposed Scheme that have been identified and could lead to effects on National Network and Ramsar sites are included below:

- Habitat fragmentation and loss of FLL through noise and visual disturbance.

5.2.3 Impacts have been identified as related to either the construction phase or operational phase of the development. No detail on decommissioning has been prepared and the operational lifespan of the Proposed Scheme is not yet known. In the absence of detail on decommissioning, impacts of this stage



are assumed to be similar to that of construction and no separate consideration of decommissioning effects has been presented.

Potential In-Combination Effects

5.2.4 When determining the potential implications of a plan or project in light of the conservation objectives for National Network sites (i.e., assessing the potential for LSE and ascertaining the potential for effect on site integrity), it is necessary to consider the potential for in-combination effects with other plans and projects on the designated interest features/conservation on the site. This should include:

- Approved but as yet uncompleted plans or projects;
- Permitted on-going activities such as discharge consents of abstraction licences; and
- Plans and projects for which an application has been made and which are currently under consideration but not yet approved by competent authorities.

5.2.5 An in-combination assessment considers the potential for each plan or project to influence the site. In order for an in-combination effect to arise, the nature of two effects does not necessarily have to be the same. The in-combination assessment, therefore, focuses on the overall implications for the site conservation objectives regardless of the type of effect.

5.2.6 At present, there is no widely accepted methodology for the assessment of in-combination effects. The assessment is qualitative in nature and is based on the available information. Where information is not available, assumptions will be made based on professional judgement and clearly stated alongside any uncertainty as part of the assessment.

5.2.7 The National Network and Ramsar sites vulnerability information summarised in Table 4.1 has been used to assist in identifying potential impacts and effects.



5.3 Consideration of Effects

Overview

5.3.1 Relevant threats and pressures identified for each National Network and Ramsar site have been considered against impacts of the Proposed Scheme, and information included within Section 2 of this report describing it, to screen for potentially significant effects on Qualifying Features and Conservation Objectives.

The Wash and North Norfolk Coast SAC

5.3.2 The Proposed Scheme does not support habitats that could provide FLL in relation to The Wash SAC and its Qualifying Features (see Table 4.1), for which habitat fragmentation and loss of FLL could have an effect during construction and/or operational phases. In addition, no observations of Otter were made during surveys at the Proposed Scheme, and it is evident that the Proposed Scheme does not support populations of any significance.

5.3.3 It is considered that there are no identified impact pathways that could lead to LSEs in relation to The Wash SAC site or any of its Qualifying Features, from the Proposed Scheme during either construction or operation, alone or in combination with other plans or projects.

The Wash SPA

5.3.4 The Proposed Scheme does not support any FLL in relation to The Wash SPA and its Qualifying Features (refer to Table 4-1), for which habitat fragmentation and loss of FLL could have an effect during construction and/or operational phases.

5.3.5 Observations of qualifying species of The Wash SPA during the breeding bird surveys for the Proposed Scheme were limited to low numbers of one species; Eurasian Oystercatcher, for which a peak count of one individual was made for a bird within the arable fields approximately 100m east of the A47 Constitution Hill, within the 250m study area (see Figure 1.5 in Appendix 1) (WSP UK Ltd., 2023a). Other records were made for Eurasian Oystercatcher flying over the 250m study area, and whilst these are shown on Figure 1.5,



they are not part of considerations when assessing LSEs on the National Network and Ramsar sites from habitat fragmentation or loss of FLL within the Proposed Scheme.

- 5.3.6 It is evident that the Proposed Scheme does not support populations of any significance for this species. In addition, the record of this species was for a foraging bird on arable land which is an abundant resource in the wider landscape. It is considered therefore that there are no identified impact pathways that could lead to LSEs in relation to The Wash SPA site or any of its Qualifying Features, from the Proposed Scheme during either construction or operation, alone or in combination with other plans or projects.

The Wash Ramsar Site

- 5.3.7 The Proposed Scheme does not support any FLL in relation to The Wash Ramsar site and its Qualifying Features (see Table 4.1), for which habitat fragmentation and loss of FLL could have an effect during construction and/or operational phases.
- 5.3.8 Observations of bird species during the wintering bird surveys for the Proposed Scheme that are listed as Qualifying Features of the Ramsar site were limited to low numbers of Northern Lapwing (peak count of one individual in an arable field approximately 350m east of the A47 Constitution Hill and just outside of the 250m study area) and European Golden Plover (a peak count of 22 individuals in an arable field approximately 370m north of Rectory Lane within the 250m study area) (see Figure 1.5 in Appendix 1) (WSP UK Ltd., 2023b). Other records were made for Northern Lapwing and European Golden Plover flying over the Proposed Scheme, and whilst these are shown on Figure 1.5, they are not part of considerations when assessing LSEs on the National Network and Ramsar sites from habitat fragmentation or loss of FLL within the Proposed Scheme.
- 5.3.9 These species are widespread in East Anglia in the winter months (Taylor and Marchant, 2011), and it is evident that the Proposed Scheme does not support populations of any significance. In addition, all records of these



species were recorded foraging in arable land which is an abundant resource in the wider landscape. It is considered therefore that there are no identified impact pathways that could lead to LSEs in relation to The Wash Ramsar site or any of its Qualifying Features, from the Proposed Scheme during either construction or operation, alone or in combination with other plans or projects.

Next steps

- 5.3.10 Following the screening stage, if LSEs on National Network and Ramsar sites are able to be ruled out, the plan-making authority is not required to take forward actions in the form of an 'Appropriate Assessment' of the implications of the plan for National Network and Ramsar sites, in view of their conservation objectives.
- 5.3.11 The impacts screened-out in Section 5.3 have therefore not been taken forward to Appropriate Assessment.
- 5.3.12 Accordingly, Stage 2 - Appropriate Assessment is not required for the Proposed Scheme.

6 Summary and Recommendations

- 6.1.1 This report has undertaken screening for possible LSEs of the Proposed Scheme upon designated sites of European or international importance (SPA/ SAC/ Ramsar) within the zone of influence (10km) in accordance with published guidance.
- 6.1.2 Stage 1 - Screening identified that none of the National Network and Ramsar sites within the Proposed Scheme ZoI, or their Qualifying Features, could suffer effects via habitat loss/fragmentation or loss of FLL, as a result of the Proposed Scheme, during construction and/or operation, either in isolation or in combination with other plans or projects. A conclusion has therefore been reached that an adverse effect on any of the National Network's or Ramsar site's integrity from habitat loss/fragmentation or loss of FLL can be ruled out.



- 6.1.3 Accordingly, Stage 2 - Appropriate Assessment is not required for the Proposed Scheme.
- 6.1.4 The HRA concludes that the Proposed Scheme is compliant with the Habitats Regulations and will not result in significant effects on any National Network and Ramsar sites, either alone or in-combination with other plans or projects.

7 References

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