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	PLANNING REFERRALS COMMITTEE
DATE:	WEDNESDAY, 27 JANUARY 2021 9.30 AM
VENUE:	VIRTUAL TEAMS MEETING

For consideration at the meeting on Wednesday, 27 JANUARY 2021, the following additional or updated papers that were unavailable when the Agenda was printed.

TABLED PAPERS

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Agenda Item 8

Tabled Papers

1856/17 – Land to north west of Church Lane, Barham

Outline planning application (with all matters reserved except for access and spine road) for phased development for the erection of up to 269 dwellings and affordable housing, together with associated access and spine road including works to Church Lane, doctor's surgery site, amenity space including an extension to the Church grounds, reserved site for Pre-School and Primary School and all other works and infrastructure (amended description).

Further consultee response

Barham Parish Council 13th January 2021 Appendix 1 (and attached email dated 15th December 2020 Appendix 2):

Concerns raised that have not been fully addressed:

- Highway impact
- Heritage impact
- Benefit of medical use or community use proposed on site cannot be realised
- No facilities proposed in development for community to use
- Design concerns, alien to local character
- Church car park and grounds extension limited benefit to wider village and civic life
- Purpose of large area of open space proposed not clear

Recent survey of parish identified 92% do not support the application, with concerns as set out above. Additional facilities community would like to see are a community hall, village green and café, and close behind a nursery and additional shops with workspace.

A series of meetings have been held between the parish council and officers, with the parish identifying what they wish to see included (Appendix 2) which broadly required:

- Community Hall
- Village Green
- Commercial uses, such as shops and café
- Medical centre in addition to community uses
- Design code developed subject to public consultation

No agreement reached to deliver these matters, citing viability concerns in respect of community hall.

Parish Council maintains objection, consider there are a lack of public benefits as set out above.

Also consider key policies are up-to-date and paragraph 11d of the National Planning Policy Framework (NPPF) should not be engaged. Key core strategy policies are in-step with the NPPF, and recent case law has found that it is incorrect that local plans cannot be afforded significant weight due to the NPPF.

Officer response:

There have been recent discussions with Barham Parish Council where the above matters have been raised. As a result a Design Code condition is now recommended to be included

as a planning condition. The applicant has also confirmed the doctor's surgery site/community use site would be secured in perpetuity as a community use (i.e. not released from S106 agreement for other forms of development such as housing), with details to be secured via the Section 106 agreement. A number of other requests were made by the parish council, which would have resulted in the substantial alteration to the proposals with revised plans and supporting information/reports. Whilst officers support the provision of community facilities where possible they are minded that the application had already been recommended to Members for approval in its current form in January 2020 in published committee papers. The proposals put forward were considered to be acceptable in the views of officers, and the benefits provided, including the public benefits, were considered to be significant and compelling. This still remains the case.

Barham Parish Council consider that the council's policies most important to determining this application are up-to-date and in-step with the National Planning Policy Framework (NPPF). This would lead to paragraph 11dii) of the NPPF not being engaged (i.e. the tilted balance should not be applied).

The weight to give policies is ultimately in the hands of the decision-maker as identified in recent case law highlighted by the parish council. It is also reasonable to refer to other recent applications where the most important policies for determining this application (CS1, CS2 and H7) have been considered at appeal, including at the public inquiry for land adjoining Tuffs Road and Maple Way, Eye, Suffolk in March 2020 (DC/18/01777, appeal reference APP/W3520/W/18/3215534) and ;and at Poplar Hill, Stowmarket in August 2019 (DC/18/02380, appeal reference APP/W3520/W/18/3214324). Here the above policies have consistently been deemed out of step with the NPPF, and whilst they should still be given weight as policies of the council's development plan, this weight should be reduced. This is the same approach taken in this application and it is therefore considered entirely appropriate to engage the tilted balance in this application.

In other matters raised by the parish council, further clarification has been sought from Suffolk County Council Highway Authority that the matters raised by Barham Parish Council's transport consultant have been fully considered and addressed, and the highway authority have concluded on highway safety.

SCC Highway Authority have verbally confirmed that their most recent comments in December 2019 conclude on both the cumulative network impact and highway safety, as inferred by reference to paragraph 109 of NPPF. The measures sought and secured through S106 agreement to Norwich Road/Station Road and Norwich Road/Church Road Claydon are to address pedestrian and cyclist safety when considering the cumulative impact of these two developments and background traffic levels. The Transport Assessment for these applications have been produced to the required industry standards and the Highway Authority has no outstanding concerns, particularly and for the avoidance of any doubt on the issues raised by THaT Consultancy on behalf of Barham Parish Council.

All other matters raised by Barham Parish Council are considered to be adequately covered in the officer's committee report.

DC/18/00861 – Land to east of Ely Road, Claydon

Outline Planning Application (with means of access to be considered) - Erection of up to 73 dwellings, public open space and supporting site infrastructure including access.

Amendment to committee report

Paragraph 14.10 is amended to include the following underlined text to clarify on the officer's conclusion on this application:

14.10 The proposed development does conflict with a number of policies in the development plan. However, as the key policy conflict of the principle of development of this site relate to policies that are out-of-date, this policy conflict with H7, CS1, CS2 and FC2 are given less weight. The policy conflict regarding landscape protection is given less weight given the limited extent to this within the landscape. The development is considered to comply with the development plan as a whole, notwithstanding the minor conflicts with some policies identified in the report.

Further consultee response

Natural England confirmed no objection to Habitats Regulations Assessment carried out by the council for the proposed development, subject to S106 securing Recreational Access Mitigation Strategy.

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BARHAM

PARISH COUNCIL

13th January 2021

Attention:
To the Planning Case Officer
MSDC

Dear Case Officer

Planning Applications for Referral Committee Meeting – 29th January 2021

Barham Parish Council and the community of Barham are opposed to applications DC/18/00861 for 73 dwellings at Ely Road and 1856/17 for 269 dwellings at Church Road. We have also lodged objections to the draft Local Plan which was recently subject to public consultation and is proposing an expansion of Barham and Claydon within our Parish.

We have a number of detailed environmental objections which have not been fully addressed, particularly:

- Transport: the impacts on the capacity of the village and the lack of facilities or alternative modes of travel remain unaddressed. No response to our consultant report dated September 2020 has been received;
- Heritage: As per the comments of Historic England, the proposals represent harm to numerous heritage assets surrounding the site, including the Grade I Listed St Mary's Church, Shrubland Hall Park and Garden and the Grade II Henry VIII Farmhouse. Historic England were clear that these impacts need weighting against the public benefits of the proposal. We do not consider the public benefits to be sufficient to overcome this harm.

This letter addresses the matter of public benefit in more detail.

The Parish Council has a number of objections to the suggested community benefits attached to the proposals, particularly the larger scheme at Church Road next to St Mary's Church:

- A site is proposed to be reserved for medical use and then if not required, offered for community use, but with no associated funding to deliver such a facility – there is in fact no evidenced way this benefit can be realised;
- There were no other facilities or features that might enliven village life such as a café or appropriately located village green;
- The application is silent on design and appears to be simply extending modern suburban layouts which are alien to local character;
- The development is dominated by a large detention basin at its entrance and will detract from the entrance to the village and the setting of the Grade II Listed Henry VIII Farmhouse;



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- The car park and green for the Church is welcome but that only benefits the Church and not the wider village and its civic life;
- All the proposals are bringing forward large areas of open space, but its purpose beyond passive enjoyment is not clear.

In support of our assessment of public benefit, Barham Parish Council surveyed the village and 138 responses were received, 92% of which do not support the application.

The main concerns were as follows:

- Traffic - 84%
- Loss of Rural Character - 76%
- Disbelief the promised facilities will be delivered - 73%
- Lack of Services and Facilities to support new housing – 68%

However, they were also asked what additional facilities and services were desired. The three most popular choices were:

- Community Hall
- Village Green
- Café

A nursery and additional shops were close behind with workspace, gym and sports hall being seen as less important. Specific comments included requests for play areas and an improved bus services to Ipswich.

Respondents were also asked to rank the following scenarios in order of preference:

1. All proposed housing is rejected;
2. The proposals are approved but only if in addition to the school the doctors surgery, more new facilities and services are provided;
3. The proposals are approved but only if the school and surgery are to be provided;
4. The proposals are approved as quickly as possible to deliver the much needed housing.

There is therefore clear and ongoing opposition to any new housing, which are not unreasonable when the likely impact of 342 dwellings on a community are considered. However, if housing is imposed on Barham, it is clear that the vast majority of the community are demanding to see more services and facilities to support that new housing. These applications are clearly falling short in that regard.

In order to identify any potential common ground between the village and the applicant for the larger scheme at Church Road, a series of meetings were initiated by the Parish Council. This culminated in several meetings and a list of what would be needed (see attached e-mail).



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Unfortunately, the applicant has confirmed that they will not or cannot deliver these things, citing viability considerations in respect of the community hall.

The Parish Council therefore objects in the strongest possible terms to the fast-tracking of planning applications that are only a proposed housing allocation in an emerging Local Plan, a document which is now subject to objections from this Council and local people and will be contested at the forthcoming Examination (see our attached statement).

Setting aside ongoing opposition to the principle, the lack of public benefit in these proposals is evident from our survey and the failure of the applicant to meet the substantive terms of our requests:

- Community hall
- Cafe
- Village green with pond
- Shops/offices (or a doctors' surgery if required)
- A Stage 1 Design Code involving character appraisal prior to determination

It is our view that there is insufficient reasoning expressed as to why key policies within the 2008 Core Strategy and the 2012 Focussed Review are out-of-date and cannot be engaged in respect of this application. Although Mid Suffolk has a sufficient housing land supply (7.67 years), it is likely to be put to Members of Committee that its relevant planning policies are out of date and out of step with the NPPF.

It is our contention that key parts of the 2012 strategy remain in-step with the National Planning Policy Framework and that these are not being accorded sufficient weight. The suggestion that key planning policies within the Adopted Local Plans cannot be afforded significant weight due to the more recent NPPF is incorrect when considered against recent legal judgements: the NPPF cannot trump an Adopted Local Plan simply by it post-dating a Local Plan as the following case from March 2020 confirms: Gladman versus SoS for Housing, Communities and Local Government with Corby Borough Council and Uttlesford District Council (Cases CO/3932/2019 and 4265/2019).

The judgement is clear:

- Where there is a 5 year housing land supply in evidence, the Plan-led system still applies;
- The policies of that plan must still be considered in any planning balance;
- That the weight those policies are given in the balance sits with the decision-maker and not the NPPF as Paragraph 213 of the NPPF makes clear:



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“...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

We contend that key policies remain up-to-date and very relevant, such as the approach to delivering sustainable development at paragraph 2.6 in the 2012 Focussed Review:

‘To recognise the important relationship that exists in sustainable development between the delivery of growth and the delivery of infrastructure in the context of maintaining a commitment to environmental objectives, Core Strategy (2008) Strategic Objective SO6 is replaced with the following:

Strategic Objectives SO6:

Provision of housing, employment, retail, infrastructure and access to services will be coordinated to ensure that delivery of necessary infrastructure takes place to accommodate new development and to enable communities to be balanced, inclusive and prosperous.

Policy CS6 (Services and Infrastructure) of the Core Strategy states the following in its preamble:

‘New development will be expected to provide or support the delivery of appropriate and accessible infrastructure to meet the justifiable needs of new development. Consideration will be given to the timing of infrastructure provision and development may need to be phased to ensure the proper provision of infrastructure.’

These policy objectives remain up-to-date and relevant as the following from the 2018 NPPF clearly states at paragraph 92: Promoting health and safe communities:

‘To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.



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The previous Committee Report concerning this application is silent on the needs of the community, but the recent survey has reaffirmed these matters remain central to decisions on what is regarded as sustainable development where there is no allocation in an adopted plan in place. In short, the applicant must be held to the up-to-date high standards set out in the Adopted Plans: the reasons for approval set out in the earlier Committee Report fall short of that standard and cannot be supported.

The Planning Review Committee are invited to dismiss the applications. If they are minded to approve the applications, they are asked to attach appropriate weight to their policies and ensure essential community infrastructure is delivered in step with these proposals.

Historic England are clear in their 15th August 2018 response to the Church Road proposals that there is harm caused to the significance of St Mary's Church and that this harm could only be outweighed by public benefits. The Parish Council shares the concerns of Historic England that the loss of the rural setting of the Church and the iconic view from Norwich Road. The replacement of this view with a suburban development set behind a detention basin, is a significant loss to the identity and historic context for Barham and Claydon. The application should be refused on these grounds alone. However, if the Committee were minded to approve the proposals, then the Parish Council and the community has been very clear as to what form that public benefit should take.

If the applicant is unable to deliver these benefits in full due to cost, then it can be surmised that the application is either unviable in its current form and/or it is premature as it is unable to remedy its community impact that 269 additional houses with no community infrastructure will bring.

Yours sincerely

Darren Milward

Mr Darren Milward
Chairman to Barham Parish Council

CC MSDC John Whitehead
MSDC Tim Passmore



BARHAM

PARISH COUNCIL

From: Chris Pattison
To: [Philip Isbell](#); [Jo Hobbs](#); [Simon Butler-Finbow](#); enquiries@bkplimousines.co.uk; jeremy.lea3@btopenworld.com
Subject: Re: 1856/17 Land North West Of Church Lane, Barham, Suffolk
Attachments: [image001.jpg](#)

Dear All

Ahead of our meeting today, please find the following position statement/heads:

The Parish Council must maintain a consistent position that it is opposed to development around Barham. However, it is prepared to state that if MSDC is minded to approve the application in light of the additional community infrastructure and other assurances (see below), then the Parish is prepared to acknowledge that the following heads of terms would help reconcile the Parish to the proposals. This position would be conditional on ensuring there is a clear pathway to delivery and not contingent on third parties and other sources of funding. This agreement does not relate to future phases of development as identified in the Draft Local Plan.

The Heads of Terms/Actions are as follows (excluding other S106 issues already identified by MSDC):

1. Community Hall:
 - a. Subject to agreeing a size and specification, a community hall serving the needs of Barham Parish will be delivered by the developer/house builder responsible for the overall scheme;
 - b. The Hall will be made available freehold, to the Parish Council for them to own and maintain;
 - c. The point of delivery needs agreed;
 - d. BPC will provide the specification of the Henley Village Hall to inform the discussion on brief;
 - e. Jo will discuss with Infrastructure colleagues the principle of the community hall being deemed benefit in kind in respect of the 15% of CIL available to Parish Council's;
 - f. Pigeon Land will need to demonstrate that the brief can be delivered for at least the 15% of CIL. Any less than that, and the difference would need provided in accordance with CIL regulations, any more than that, and the Parish will expect the S106 commitment to delivering the brief to make up the shortfall as the need is for this application and not Phase 2.
2. Village Green:
 - a. The SUDs basin will be converted in to a pond with attached village green, around which;
 - b. A village green and small play area in sight of the café will adjoin the pond;
 - c. The various community/commercial uses will be grouped around these spaces to create a new village heart;
 - d. Pigeon to circulate an indicative plans;
 - e. Timescales/phasing to be agreed.
3. Commercial uses:
 - a. The heart will include a handful of shops and café with apartments above;
 - b. Parking and servicing to be located discretely or away from the public realm;
 - c. The Parish may wish to have control of the café, but is comfortable with an appropriate cascade for other non-residential uses, subject to seeing detail;
 - d. Timescales/phasing to be agreed.
4. Medical Centre:
 - a. Other than a café and single shop unit, the Parish would be prepared to see the remaining commercial space potentially expanded and 'held' for the local Surgery as a

- relocation space;
 - b. Pigeon to review how much GP floorspace could be provided;
 - c. The Parish are contacting the GP's to determine if they are interested in pursuing this option, otherwise the matter will be returned to in respect of future phases of development if the draft Local Plan proceeds in its current form;
 - d. Timescales for holding the option to be agreed.
5. Design Code:
- a. JH/SB-F/CP to collaborate on an appropriate Design Code condition;
 - b. Wording will include a requirement to look at how the approved road can be given more character and variety through changes in building line etc as informed by a Phase 1 Character study;
 - c. Development of the code to be subject to public consultation and agreed prior to all development commencing.

I look forward to speaking with you all later.

Kind regards
Chris

Chris Pattison
Director of Planning

Turnberry

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From: Eliana Ciufu <Eliana.Ciufu@babberghmidsuffolk.gov.uk> on behalf of Philip Isbell <Philip.Isbell@babberghmidsuffolk.gov.uk>

Date: Friday, 11 December 2020 at 11:33

To: Jo Hobbs <Jo.Hobbs@babberghmidsuffolk.gov.uk>, Simon Butler-Finbow <s.butler-finbow@pigeon.co.uk>, Chris Pattison <cpattison@turnberryuk.com>, "enquiries@bkplimousines.co.uk" <enquiries@bkplimousines.co.uk>, "jeremy.lea3@btopenworld.com" <jeremy.lea3@btopenworld.com>

Subject: 1856/17 Land North West Of Church Lane, Barham, Suffolk

Dear All,

On behalf of Philip Isbell and Jo Hobbs, I have been asked to help arrange a meeting with you all to discuss progress on application 1856/17 following the recent discussions on this case. The timely progress of this application is important for all parties involved, and so a meeting next week would be useful to review where we are and what is achievable in the timescales required.

The only time that is available in Phil's diary however is ***Tuesday 15th December at 15:30***. The meeting will take place via Microsoft Teams. I appreciate this is short notice but with the holiday season coming up it would be useful to meet next week.

If you could please respond to the meeting invite to confirm your attendance.

Please note, I will be on leave from this afternoon until Tuesday morning so I may not respond or be able to assist until then.

I should be available until this afternoon so if you have any urgent queries please do email me or give me a call.

I look forward to hearing from you all.

Please see below for the meeting joining details:

Microsoft Teams meeting

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Kind Regards,

Eli

Eliana Ciufo
Management Support Officer

Sustainable Communities

Babergh and Mid Suffolk District Councils - Working Together

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Date: 22 January 2021
Our ref: 339905
Your ref: DC/18/00861



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Jo.Hobbs@babberghmidsuffolk.gov.uk

BY EMAIL ONLY

Dear Ms. Hobbs

Planning consultation: Outline Planning Application (with means of access to be considered) - Erection of up to 73 dwellings, public open space and supporting site infrastructure including access.

Location: Land To The East Of Ely Road, Claydon, Suffolk

Thank you for your consultation on the above dated 14 January 2021 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of:
 - Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar
 - Deben Estuary SPA and Ramsar

Further designated site details are available from

<https://designatedsites.naturalengland.org.uk/>.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured through an appropriate planning condition or obligation. We advise that an upfront financial contribution of £121.89 per dwelling should be secured to contribute to the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'), to mitigate the recreational disturbance impacts to designated sites by this development. We recommend that further measures should also be secured in the form of inclusion of on-site measures for dog walkers such as signage, information boards, guides and PRoW maps etc. indicating routes will help mitigate impact.

Further advice on mitigation

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by an external consultee. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

This development falls within the 13 km 'zone of influence' for the Stour and Orwell Estuaries and Deben Estuary Special Protection Areas (SPA) and Ramsar sites, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure caused by that development.

As such, we advise that a suitable contribution of £121.89 per dwelling to the emerging Suffolk RAMS should be sought from this residential development whilst ensuring that the delivery of the RAMS remains viable. If contributions from developers are not sought during the interim period then the per house tariff in the adopted RAMS will need to be increased to ensure the RAMs is adequately funded. We therefore advise that you should not grant permission until such time as the implementation of this measure has been secured.

Suitable Accessible Natural Green Space (SANGS)

There is currently concern for the impacts of recreational pressure on the Stour and Orwell Estuaries and Deben Estuary Special Protection Areas (SPA) and Ramsar sites, in particular the disturbance of birds for which the SPAs are designated (although other site features are also affected). These birds are sensitive to disturbance from recreational walkers, cyclists etc. and in particular dogs off leads. We advise that 73 dwellings in this location has the potential to increase the local population by approximately 176 people (based on 2.4 people per household) once the dwellings are occupied. Assuming the national average of 30 % of households owning dogs¹, the proposal could lead to an additional 44 dog walks per day, based on twice-daily walks. With the site approximately 8km at the closest point to the Stour and Orwell Estuaries and Deben Estuary Special Protection Areas and Ramsar sites it is considered that residents are likely to use these designated sites for undertaking regular recreational activities such as dog walking.

Natural England recommends that large developments include the provision of well-designed open space/green infrastructure 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 development site boundary. The applicant may 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. 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:

¹ Based on figures obtained from *Number and ownership profiles of cats and dogs in the UK*, Jane K Murray, William J Browne, Margaret A Roberts, Amber Whitmarsh and Timothy J Gruffydd-Jones, *Veterinary Record*, 6 February 2010.

- High-quality, informal, semi natural areas planted with a range of native species
- Circular dog walking routes of 2.7km within the site/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

High quality Suitable Accessible Natural Green Space (SANGS) is of importance when aiming to minimise any predicted increase in recreational pressure to European sites, by containing the majority of recreation within and around the development site boundary.

Dog owners require space to walk their dogs off lead close to home and away from traffic, once or twice per day. If the onsite green space does not give adequate dog walking provision, most owners will travel elsewhere. Well-designed GI should positively accommodate off-lead exercising of dogs, in areas where this causes the least conflict with other resident's interests such as cycling, children's play equipment, sports activities and people seeking to minimise contact with dogs. We recommend that the developer consults relevant guidance and best practice documents such as *Planning for Dog Ownership in New Developments: Reducing Conflict – Adding Value* and incorporates these principles within proposed application designs.

We appreciate that with respect to the limited size of the development site in this case, a circular dog walk may not be viable and accept that connectivity to the surrounding public rights of way (PRoW) may be required to facilitate appropriate opportunities for recreation. The HRA states that the footpath network has several options for walks both more and less than 2.7km.

We would recommend particular attention be paid to making linkages to existing footpaths and avoiding prolonged sections of public roads with potential for traffic along proposed routes (See Dog walking route map, M Scott Properties Ltd, 2018). The potential for traffic along these proposed routes is likely to make them less desirable to dog walkers due to both safety concerns and lack of tranquillity, consequently limiting their effectiveness to mitigate recreational pressure on local protected sites. Therefore it is recommended that additional routes are explored. The inclusion of on-site measures such as signage, information boards, guides and PRoW maps etc. indicating routes will help mitigate impacts.

Net gain

Biodiversity net gain is a key tool to help nature's recovery and is also fundamental to health and wellbeing as well as creating attractive and sustainable places to live and work in. We draw your attention to Para 170, point d and Para 175, point d of the National Planning Policy Framework which states that:

Para 170: "Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

Para 175: "When determining planning applications, local planning authorities should apply the following principles:

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity".

Natural England considers that all development, even small scale proposals, can make a contribution to biodiversity. Your authority may wish to refer to [Technical Note 2](#) of the CIEEM guide which provide useful advice on how to incorporate biodiversity net gain into developments.

Protected species

Natural England has produced [standing advice](#)² to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances

Sites of Special Scientific Interest

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex B. Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

Should the proposal change, please consult us again.

Yours Faithfully

Niall Walkden
Norfolk and Suffolk Team

² <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>