



12 March 2021

Jo Hobbs
Mid Suffolk District Council
Endeavour House
8 Russell Road
Ipswich IP1 2BX

By email only

Dear Jo,

Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Mid Suffolk District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Application: DC/18/00861

Location: Land To The East Of Ely Road Claydon Suffolk

Proposal: Outline Planning Application (with means of access to be considered) - Erection of up to 74 dwellings, public open space and supporting site infrastructure including access.

Thank you for re-consulting Place Services on the above application.

No objection subject to conditions to secure:

- a) Mitigation towards visitor management measures at the Stour & Orwell Estuaries SPA & Ramsar and Deben Estuary SPA and Ramsar, from the development alone and in combination of other plans and projects;**
- b) ecological mitigation and enhancements.**

Summary

We have reviewed the submitted documents provided by the applicant by Geosphere Environmental Ltd, relating to the likely impacts of development on Protected & Priority species / habitats. This includes the Preliminary Ecological Appraisal (January 2018), Great Crested Newt and Amphibian Survey (June 2018), Bat Detector Survey (July 2018), Badger Survey and Outline Mitigation Strategy (September 2018), Mitigation Strategy and Enhancement Plan (September 2018).

In addition, we have reviewed the map to demonstrate that a circular dog walking route of 2.7 km or more is present within links to surrounding public rights of way (PRoW), which was provided to enable the LPA to have sufficient information to prepare a Habitats Regulation Assessment Appropriate Assessment for this application.

We have also reviewed the details to ensure an appropriate buffer to the Priority Mixed Lowland Deciduous Woodland habitat will be secured for this proposed development.



After review of the submitted information, we are satisfied that there is sufficient ecological information available for determination of this application.

This provides certainty for the LPA of the likely impacts on Protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable. We support the reasonable biodiversity enhancements, which should also be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The ecological mitigation and enhancement measures identified in Preliminary Ecological Appraisal (January 2018), Great Crested Newt and Amphibian Survey (June 2018), Bat Detector Survey (July 2018), Badger Survey and Outline Mitigation Strategy (September 2018), Mitigation Strategy and Enhancement Plan (September 2018) should be secured and implemented. This is necessary to conserve Protected and Priority species.

As highlighted within Place Services previous ecological responses and Natural England's Consultation response (Ref: 272939, February 2019), this site lies within the 13km Zone of Influence (ZOI) for recreational disturbance impacts on the Stour & Orwell Estuaries SPA & Ramsar and the Deben Estuary SPA and Ramsar.

The developer has provided sufficient information to support the provision of the Habitats Regulations Assessment by Mid Suffolk District Council (26 January 2021) and its conclusion is supported by Natural England's formal consultation response (Ref: 33905, 22 January 2021). This is necessary to avoid likely 'adverse impacts' on the integrity of these coastal Habitats sites by securing mitigation measures for the development, both alone and in combination with other plans and projects. Therefore, the mitigation measures included within the HRA will need to be agreed and secured by legal agreement for implementation prior to commencement, to ensure implementation of mitigation measures prior to occupation.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. CONCURRENT WITH RESERVED MATTERS: ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Great Crested Newt and Amphibian Survey (June 2018), Bat Detector Survey (July 2018), Badger Survey and Outline Mitigation Strategy (September 2018), Mitigation Strategy and Enhancement Plan (September 2018) as already submitted



with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: SUBMISSION OF A COPY OF THE EPS LICENCE FOR GREAT CRESTED NEWTS

“Works shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.”*

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

3. CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

“A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organization responsible for implementation of the plan.*
- h) Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from



monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

Please contact us with any queries.

Yours sincerely,

Sue Hooton CEnv MCIEEM BSc (Hons)

Principal Ecological Consultant

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Place Services provide ecological advice on behalf of Mid Suffolk District Council

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.



Natural England's recommendations for larger scale residential developments within the Suffolk Coast 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 Habitats 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 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
- 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 Habitats 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 Habitats Sites) is also required as part of the mitigation package for predicted recreational disturbance impacts in these cases.

As such, in the interim period before the RAMS is adopted, a financial contribution should also be agreed with and collected from the developer, prior to commencement, on the basis that it can be used to fund strategic 'off site' measures (i.e. in and around the relevant Habitats Sites). These measures should be targeted towards

¹ 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*



increasing the relevant Habitats Sites resilience to recreational pressure and be in line with aspirations of the emerging RAMS. As an example in this interim period, this could include funding towards existing wardening schemes at the relevant Habitats Sites. A suitable delivery mechanism for the measures must be agreed to secure them and ensure they are implemented from the first occupation of dwellings. Alternatively, we understand that it may be acceptable at the outline planning stage to include a suitably-worded planning condition which secures full adherence with the emerging Suffolk Coast RAMS at the Reserved Matters stage.

Once the RAMS has been adopted, a financial contribution should be secured from these developments prior to commencement.