
Habitats regulations assessment responses

Respondent Name	Agent Name	Question Number	User's Response: Free-Text
Mr Richard Hack (Natural England)		Section 1 - introduction	Natural England is broadly satisfied that the Habitats Regulations Assessment Issues & Options version (Aecom, September 2020) has provided a robust assessment of the Regulation 18 stage of West Suffolk Councils draft Local Plan, in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and having regard to relevant case law. However we would like to make the following comments: Additional advice on air quality Natural England is currently reviewing how we provide air quality advice on likely impacts. This could mean in future that thresholds and criteria will be changed based on evidence and recent case law. We would also advise the Council, as the Competent Authority, to seek its own legal advice on the implications of the ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of Coöperatie Mobilisation (also known as the Dutch Nitrogen Case) (Joined Cases C-293/17 and C-294/17). Additional advice on Breckland SPA We would advise you as the competent authority that this plan will need consideration in line with the legal advice you have commissioned. It is Natural England's role, as a statutory nature conservation adviser, to provide advice about the ecological impacts of any development proposals on nationally and internationally designated sites. In our responses regarding ecological impacts in the Breckland area we refer to any actions taken to address these impacts using the phrase 'offsetting measures'. This term encapsulates everything from measures to avoid impact, enhancement measures, 'mitigation' or 'compensation' measures in accordance with the Conservation of Habitats and Species Regulations 2017. Whilst Natural England may offer comment on the appropriateness of these measures, or their likely ecological success it is for the Local Authority, in their capacity as the competent authority, to determine the legal status of these measures. We will continue to work with yourselves and adjacent authorities to explore a pragmatic way forward which ensures the protection of the special habitats and species in your LPA area.
Mrs Susan-Jayne Grey		Section 1 - introduction	Referring to Hillside, Knox Lane, Bardwell 1.8

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Robin Barclay (The Higham Estate)	Mr Jonathan Dixon (Savills (UK) Ltd)	Section 1 - introduction	See comments under Section 4.
Mr Richard Hack (Natural England)		Section 2 - methodology	Greater Cambridge Local Plan should also be considered for potential in-combination effects.
Mrs Susan-Jayne Grey		Section 2 - methodology	referring to, Hillside, Knox Lane Bardwell Referring to the Habitat and Regulations Assessment - 2.18 The proposed development threatens and puts much pressure on the existing Biodiversity as outlined briefly in section 3 of this Consultation process. Birds / wildlife (flora and fauna) will be affected by the proposed urbanization of arable sites. The development at this site (Hillside, Bardwell) would cause major negative changes in species distributions and corridors. 2.7 A precautionary approach should be used as a default if there is likely significant effect which cannot be confidently ruled out.
Robin Barclay (The Higham Estate)	Mr Jonathan Dixon (Savills (UK) Ltd)	Section 2 - methodology	See comments under Section 4.
Mr Richard Hack (Natural England)		Section 3 - pathways of impact	Section 3.8 & 3.25 - We recommend updating the data used to determine the 1500m constraint zones of Stone Curlew nesting outside the SPA. Currently these zones are based on data only as recent as 2015. We would also welcome additional research into how far outside the SPA functionally linked land for Stone Curlew should extend (currently deemed to be 3km). Section 3.13 & 3.14 - the document only refers to Breckland Forest SSSI unit 4. For clarity, this unit is located outside of West Suffolk. The

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			units of Breckland Forest SSSI located within West Suffolk (component units of Breckland SPA) are units 1 and 2. Section 3.20 - we advise that in addition to the public rights of way network across Breckland SPA that much of Breckland Forest SSSI and parts of Breckland SAC are designated as access land.
Mrs Susan-Jayne Grey		Section 3 - pathways of impact	referring to Hillside, Knox Lane, Bardwell 3.6 Birds and other species will be affected by the proposed development, or any such development. Some examples from the Protected Species England Biodiversity List include, * Kite * Buzzard * Barn Owls * Nesting Sky Lark * Bats * Brown Hare The proposed site is within 10km of SPA and SAC sites. 3.6 and 3.8 The development proposed for Hillside sits within an existing site that forms Open Farmland. This is a distinctive, historically important landscape full of wildlife. It creates wildlife pathways and wildflower corridors. It is part of a buffer zone and part of the character of this open Countryside and open farmland. All of this would be negatively impacted by further urbanization of this particular area - roads, Hard Landscaping, noise pollution, clear skies light pollution, and buildings. Any proposed land needs to be at least 1500m from arable land. Hillside sits within arable land and species rich corridors. 3.27 Any Hydrological changes will increase the already significant flooding and erosion down the fragile road, Knox Lane. Hard Landscaping and opening any future development access points will increase severe risk of flooding. The condition of the road and erosion can be seen as evidence of this happening on a regular basis. 3.9 The recreational pressure of the development on the existing site and surrounding area would exacerbate existing management difficulties, predominantly, flooding and erosion. 3.11 Public appreciation of the site and surrounding open countryside. Amenity use for residents is a huge part of this area used for wellbeing. The site is also a site of an ancient Roman Road. The elevation of the site would impact the surrounding area. 2.18 The proposed site threatens / puts enormous pressure on water levels and flooding and water pollution. The roads are unsuitable and public access and disturbance will be caused to existing residents. Agencies that are helpful in assessing outcomes of all the above, * Priority Habitats and Species of principle importance included in the England Biodiversity list under Natural Environment and Rural Communities Act 2006 * Conservation of Habitats and Species Regulations 2017 * Natural England Guidance on Habitats Regulations

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Mr Richard Hack (Natural England)		Section 4 - test of likely significance	We note that air quality in Breckland SPA is to be taken forward to appropriate assessment but this contradicts with the scope in Section 1 where the air quality in the SPA was screened out. We advise that air quality should be taken to appropriate assessment for the SPA. Devil's Dyke SAC: Recreational pressure is an important threat to this site and so should be taken forward to appropriate assessment. Newmarket and its neighbouring settlements are located within the Cambridgeshire SSSIs recreational pressure IRZ to reflect potential zones of influence for publically accessible SSSIs sensitive to the effects of recreational pressure. This includes the Devil's Dyke SAC and SSSI. The IRZ can be viewed on Magic. Natural England believes that the issue requires a strategic approach to address the cumulative impacts of development, progressed via an evidence based approach through Local Plans. Central to this would be the identification of a package of offsetting measures focussing on the provision of Suitable Alternative Natural Greenspace (SANGS) capable of meeting people's needs and diverting pressure away from, and thus avoiding adverse impact to, sensitive designated sites.
Mrs Susan-Jayne Grey		Section 4 - test of likely significance	Zone of Visual Influence - Hillside Bardwell The visual line of sight of the settlement would be visually affected by this particular proposed development on such elevated land at Hillside, Bardwell. There is a parcel of land lower down Knox Lane that was rejected planning Permission and this site has now planted trees. It would also have impacted on flight paths by USAF as the land is elevated. 4.2 Access to A134 and A14 is dire and dangerous. Single track roads with poor or no visibility. site of many accidents. The proposed site contravenes all West Suffolk Strategic Growth options as it is not located on a primary road no road infrastructure not sufficient village expansion need the site sits within 200m of a main road and is potentially vulnerable to air pollution
Robin Barclay (The Higham Estate)	Mr Jonathan Dixon (Savills (UK) Ltd)	Section 4 - test of likely significance	1. We note that Table 4: West Suffolk Strategic Growth Options, notes in discussing the 'likely significant effects' of Strategic Growth Option 4: "This option may provide more opportunity to provide housing in rural areas away from the constraints of the European sites within the district and therefore reduce the number of housing present within the constraints areas. ..." 2. This conclusion highlights one of the potential sustainability benefits of an amount of development being dispersed more widely within the countryside. 3.As noted in relation to Part Three of the main consultation document, from

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			an environmental perspective, it is notable that Higham and the immediate surrounding countryside, extending north to Junction 40 on the A14, is located outside the following areas: * All Ramsar, SPA and SAC sites; * SAC 200m Buffer; * Woodlark & Nightjar Urbanisation 400m Buffer; * Stone Curlew SPA 1.5km Buffer; and * Stone Curlew Urbanisation / Functionally Linked Land 1.5km Buffer. 4. Whilst the land is located within the following areas * Woodlark & Nightjar Recreational 7.5km Buffer; and * Air Pollution 10km Buffer; so is a large part of the district, including much of Bury St Edmunds.
Mr Richard Hack (Natural England)		Section 5 - conclusions and recommendations	We welcome the policy recommendations but please note the above comments on updated research into the constraint buffer around Stone Curlews nesting outside of the SPA. Also an air quality policy should include Rex Graham and Devil's Dyke SACs, in addition to Breckland SAC and SPA.
Mrs Susan-Jayne Grey		Section 5 - conclusions and recommendations	Referring to Hillside, Knox Lane, Bardwell Historically (researching Title Plans and local Knowledge), the site has always been part of Farmland and let or used as grazing pasture. It is not Garden as listed on the Consultation and this should be amended as Garden Land is more valuable regarding development considerations. Planning permission should be sought for change of use and full Conveyance / Title Deeds made available to the Consultation regarding existing Covenants on the land at Hillside. Alternative Solution, There is a need for grazing land in Bardwell. It is a highly sought after area for Horses and sheep. Recently, the land at Hillside was let for £100pcm per acre. alternatively, to protect species and wildlife corridors - keep as ancient pasture with the relevant management support. There is the opportunity for the land to include a Tree Planting Scheme from Suffolk County Council which compliments the recent Government initiative. Remove the site of Hillside from the Consultation
Robin Barclay (The Higham Estate)	Mr Jonathan Dixon (Savills (UK) Ltd)	Section 5 - conclusions and recommendations	See comments under Section 4.

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Mrs Susan-Jayne Grey		Appendix A - European site background information	Hillside, /Bardwell sits within SPA Special Protection Area of rare birds sites European Directives to conserve Natural Habitats and wild Fauna and Flora need to be applied to the site and surrounding area in more detail over the period of a year to cover all seasons.
Mr John Ford		Appendix B - SHELAA site screening: likely significant effects	Moulton WS 143 This assessment claims to look at sites where there re issues of international significance. The River Kennet is one of only 160 chalk streams in the world, the majority of which are in Southern England. These are at great danger of degradation because of adjacent urbanisatation, run-off etc and are recognised as being of international importance. This report fails to recognise this.
Mr Richard Hack (Natural England)		Appendix B - SHELAA site screening: likely significant effects	Although time constraints mean we have not checked every site for their potential Likely Significant Effects, we note that sites in Great Barton are within 7.5km of Nightjar / Woodlark habitat of Breckland SPA.
Mrs Susan-Jayne Grey		Appendix B - SHELAA site screening: likely significant effects	Hillside, Bardwell Species corridors impacted. 2.12 - Settlement character impacted. The proposed plan would not be proportionate to the geographical scope of the existing site. zone of visual impact as elevated open countryside clear skies impact

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