

# Ecology Proof of Evidence

of

**Dr Aidan Marsh**

BSc PhD CEnv CEcol MCIEEM

**December 2024**

**Land North-east of Humber Doucy Lane,  
Ipswich, Suffolk**

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On behalf of  
Barratt David Wilson & Hopkins Homes

Report No: CSA/6675/09

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## **1.0 QUALIFICATIONS AND EXPERIENCE**

- 1.1 My name is Dr Aidan Marsh. I am Ecological Director at CSA Environmental (henceforth referred to as CSA), a multidisciplinary practice specialising in landscape, urban design, heritage and ecological planning issues.
- 1.2 I hold a first-class Honours Zoology degree from The University of Nottingham and a Doctorate in the field of mammalian conservation from The University of Bristol. I am a full member of the Chartered Institute of Ecology and Environmental Management and a Chartered Ecologist.
- 1.3 I have over 28 years' experience in the fields of ecological research, education and consultancy. This includes four years in ecological research working with partner organisations including The Wildlife Trusts, The Mammal Society and Statutory Agencies. For the last 24 years I have worked as an ecological consultant, co-ordinating ecological services at CSA since 2002.
- 1.4 My work at CSA predominately focuses on development related projects. I have prepared evidence and provided expert witness at Inquiry in relation to a number of protected species and protected habitat issues.
- 1.5 Whilst I was not personally involved in the ecological survey or design work at this site, which was undertaken by my colleagues at CSA, I have visited the Site and relevant off-site areas and have carefully reviewed the ecological issues before coming to the personal conclusions discussed within this proof of evidence.
- 1.6 The purpose of my evidence is to address matters relating to the ecological survey approach, the delivery of biodiversity net gain and the approach taken to avoid and mitigate the potential for recreational impacts to the Suffolk Coast European sites.

- 1.7 I confirm that the evidence I have prepared for this appeal, and provided within this Proof of Evidence, represents my true professional opinion and takes full account of relevant professional guidance provided by my chartered institute.

## 2.0 BACKGROUND

- 2.1 This appeal is in respect of a hybrid planning application which comprises a full planning application for the means of vehicle, cycle and pedestrian access to and from the site and an outline planning application (all matters reserved) for a mixed use development for up to 660 dwellings (Use Class C3), up to 400 sq m (net) of non-residential floorspace falling within Use Class E and/or Use Class F2(b), an Early Years facility, and associated vehicular access and highway works, formal and informal open spaces, play areas, provision of infrastructure (including internal highways, parking, servicing, cycle and pedestrian routes, utilities and sustainable drainage systems), and all associated landscaping and engineering works.
- 2.2 The Appeal Site lies on the northeastern edge of Ipswich and extends to 31.52 hectares. The Site falls within the administrative areas of Ipswich Borough Council (IBC) and East Suffolk Council (ESC). The Site as a whole is allocated for approximately 599 dwellings, through provisions for 449 dwellings within Ipswich Borough (Policy ISPA4.1) and 150 dwellings within the Suffolk Coastal Local Plan (Policy SCLP 12.24).
- 2.3 CSA Environmental's ecologists have been involved with this site since August 2023. An Ecological Impact Assessment (CSA/6675/04A) (**B3**) was prepared in early 2024 (dated 01 March), which was submitted with the planning application.

### **Reasons for Refusal**

- 2.4 Both planning applications were refused by IBC and ESC on 4 June 2024, citing similar reasons for refusal (RfR). Referring to the RfR set out in the IBC decision notice, the following two RfR have been identified:

#### RfR #6: Ecology and BNG

*"From the information submitted it is evident that there are a number of aspects which require further survey work and investigation to ensure the*

*Local Planning Authority fulfils its statutory duties and ensures proposals meet the relevant planning policy requirements.*

*In addition, it has not been demonstrated that sufficient Biodiversity Net Gain is proposed and there are concerns with the final proposals in relation to the ecological measures to be incorporated into the development proposals. It is therefore concluded that the requirements of Biodiversity Net Gain have not been met and there is insufficient ecological information on European Protected species (bats, dormouse, Great Crested Newt), Protected species (reptiles), Ancient/veteran tree and Priority species (farmland birds). The proposal is therefore contrary to the NPPF (paragraph 186) and Local Plan Policy DM8."*

RfR #7: HRA

*"Local Plan Policy DM8 requires that any development with the potential to impact on a Special Protection area will need to be supported by information to inform a Habitats Regulations Assessment, in accordance with the Conservation of Habitats and Species Regulations 2017, as amended (or subsequent revisions).*

*The application site is within 13km of the Stour and Orwell Estuaries Special Protection Area (SPA); the Stour and Orwell Estuaries Ramsar Site; the Sandlings SPA; the Deben Estuary SPA and the Deben Estuary Ramsar Site.*

*Information to inform an HRA report has been submitted and includes measures to mitigate the impact of the development on the integrity of any European designated site. This includes the provision of on-site recreational greenspace but there is concern with the deliverability and appropriateness of the required amount of greenspace proposed. The inclusion of infrastructure such as drainage within the greenspace proposed, as well as some greenspaces potentially containing existing habitats of biodiversity value, is considered to reduce the quantity of the greenspace which can be considered as public open space for mitigation purposes. It has therefore not been adequately*



*demonstrated that the proposed development if permitted can secure the delivery of the avoidance and mitigation measures identified.*

*Further information is therefore required before it can be concluded that the proposed development will not have an adverse effect on the integrity of the European sites included within the Suffolk Coast RAMS. Until such information is made available the proposal is contrary to the NPPF (paragraph 186) and Local Plan Policy DM8."*

### **Structure of My Evidence**

- 2.5 In Section 3, I set out the key legislative and planning policy aspects in relation to the proposals, which may be of relevance to the scheme.
- 2.6 In Section 4, I provide an overview of the ecological principles of the scheme, summarising the survey work completed and the approach to scheme design.
- 2.7 In Section 5, I reflect on the on-site ecological effects of the Appeal Scheme.
- 2.8 In Section 6, I summarise matters relating to Biodiversity Net Gain (BNG)
- 2.9 In Section 7, I set out the approach taken to Habitats Regulations Assessment and mitigation which can be secured to avoid adverse effects upon the integrity of European Sites at the Suffolk Coast.
- 2.10 In Section 8, I readdress the ecological reasons for refusal and set out my conclusions as to the acceptability of the Appeal Scheme.

### 3.0 LEGISLATIVE AND POLICY CONTEXT

- 3.1 I have briefly highlighted below the key legislation and policy most pertinent to the ecological matters raised within this Appeal.

#### **European Sites**

- 3.2 Special Areas of Conservation ('SACs') and Special Protection Areas (SPAs) collectively form part of a European suite of sites known as Natura 2000 sites, and are afforded strict protection from the potentially damaging effects of development.
- 3.3 Council Directive 92/43/EEC on the 'Conservation of Natural Habitats and of Wild Fauna and Flora', commonly referred to as the 'Habitats Directive', was adopted in 1992. Special Protection Areas (SPAs) are classified under Article 4 of Council Directive 79/409/EEC on the conservation of wild birds (the 'Birds Directive').
- 3.4 The term 'European site' is widely used in reference to the network of Natura 2000 sites. For ease of reference here, and consistent with their treatment under UK government policy, 'Ramsar Sites' (those listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat, 1971), are also referred to as European sites.
- 3.5 Article 6(3) of the Habitats Directive states that any plan or project likely to have a significant effect on a European site, either individually or in combination with other plans or projects, shall be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives. In England and Wales, the Habitats Directive has been transposed into domestic legislation through the Conservation of Habitats and Species Regulations 2017. These Regulations are widely referred to as the 'Habitat Regulations'. Regulation 63 of these Regulations sets out the assessment provisions. Specifically, Regulation 63(1) states that, "*A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or*

*project which 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 of the plan or project for that site in view of that site's conservation objectives."* This assessment process is commonly referred to as 'Habitats Regulations Assessment' (HRA).

3.6 Policy DM8 of the IBC Local Plan includes the following wording:

*"Any development with the potential to impact on a Special Protection Area, or Special Area for Conservation or Ramsar site within the Borough will need to be supported by information to inform a Habitats Regulations Assessment, in accordance with the Conservation of Habitats and Species Regulations 2017, as amended (or subsequent revisions).*

*Financial contributions will be secured in relation to the avoidance and mitigation of impacts of increased recreation, to contribute towards the provision of strategic mitigation as established through the Recreational Disturbance Avoidance and Mitigation Strategy.*

*Where mitigation is proposed to be provided through alternative mechanisms, applicants will need to provide evidence to demonstrate that all impacts are mitigated, including incombination effects. Depending on the size and location of the development, additional measures such as Suitable Alternative Natural Greenspaces (SANGS) may be required as part of development proposals ..."*

3.7 Policy SCLP10.1 of the Suffolk Coastal Local Plan includes the following wording:

*"Any development with the potential to impact on a Special Protection Area, Special Area for Conservation or Ramsar site within or outside of the plan area will need to be supported by information to inform a*

*Habitat Regulations Assessment, in accordance with the Conservation of Habitats and Species Regulations 2017, as amended (or subsequent revisions).*

*The Recreational disturbance Avoidance and Mitigation Strategy has been prepared to provide a mechanism through which impacts from increased recreation can be avoided and mitigated via financial contributions towards the provision of strategic mitigation. Where mitigation is proposed to be provided through alternative mechanisms, applicants will need to provide evidence to demonstrate that all impacts are mitigated for, including in-combination effects. Depending on the size and location of the development, additional measures such as Suitable Alternative Natural Green Spaces (SANGS) may be required as part of development proposals."*

### **Protected Species**

3.8 Section 40 of the Natural Environment and Rural Communities Act (2006) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Section 41 of the Act sets out a list of habitats and species of principal importance.

3.9 Policy DM8 of the IBC Local Plan includes the following wording:

*"Priority Habitats and Species:*

*Development which could harm, directly or indirectly, species, which are legally protected, or species and habitats that have been identified as Species or Habitats of Principal Importance in England (also known as Section 41 or 'Priority' species and habitats) will not be permitted unless the harm can be avoided or mitigated by appropriate measures.*

*Development must include enhancements for protected and priority species as part of their design and implementation."*

- 3.10 Policy SCLP10.1 of the Suffolk Coastal Local Plan includes the following wording:

*"Where there is reason to suspect the presence of protected UK or Suffolk Priority species or habitat, applications should be supported by an ecological survey and assessment of appropriate scope undertaken by a suitably qualified person. If present, the proposal must follow the mitigation hierarchy in order to be considered favourably."*

## **National Planning Policy**

### National Planning Policy Framework

- 3.11 The National Planning Policy Framework (NPPF) (12 December 2024) sets out the government planning policies for England and how they should be applied. With regards to ecology and biodiversity, Chapter 15: Conserving and Enhancing the Natural Environment, Paragraph 193 states:

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

*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

*b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*

*c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees)*

*should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."*

## 4.0 ECOLOGICAL PRINCIPLES OF THE SCHEME

### Overview of Survey Work Completed

- 4.1 Ecological investigations at the Appeal Site started in August 2023, with a UK Habitat Classification ('UKHab') survey completed on 16 August 2023 confirming the Site to be dominated by arable land and agriculturally modified grasslands of limited intrinsic ecological interest. This initial survey allowed the site to be evaluated and further ecological surveys required to inform development proposals to be assessed.
- 4.2 Detailed surveys commenced in September 2023 and continued until July 2024. Further to a decision by the appellants to submit a planning application in March, an Ecological Impact Assessment was prepared at this time to inform the planning submission.
- 4.3 It is acknowledged that the ecological survey information included within the March 2024 EcIA (CSA/6675/04A) (**B3**) was incomplete. In addition to survey work undertaken between August 2023 and January 2024, further surveys were instructed for the period between March and July 2024, allowing additional species surveys to be undertaken.
- 4.4 The extent of the ecological surveys undertaken in 2023 and 2024 are listed in the table below, along with the dates of component visits:

Survey Description	Dates
UK Habitat Classification Survey	August 2023
Botanical Surveys (Condition Assessments)	September 2023
Hedgerow Surveys (Inc. Condition Assessments)	September 2023
Bat - Static Detector Surveys	September 2023, May 2024 & June 2024
Bat - Preliminary Roost Assessment of Trees	January 2024
Badger Surveys	October 2023, January 2024 & March 2024
Dormouse Surveys	September-November 2023 &

	April-July 2024
Wintering Bird Surveys	November & December 2023 [Also, see Section 5 for recent updates]
Breeding Bird Surveys	March, April, May & June 2024
Reptile Surveys	September-October 2023
Great Crested Newt Surveys – Habitat Suitability Index (HSI) Assessment	September 2023 & June 2024
Great Crested Newt Surveys – Environmental DNA (eDNA) Sample Collection	September 2023 & June 2024

**Table 1:** Ecological Survey List

- 4.5 An update EclA (CSA/6675/04C)(**B4**) was prepared and submitted alongside the Appellants Statement of Case. This report contains all of the information available up to the end of May 2024. The additional survey information available did not materially alter the conclusions reached in the original EclA (CSA/6675/04A)(**B3**).
- 4.6 A limited number of final surveys were completed in June and July 2024 and update survey reports have been prepared (Bats - CSA/6675/10 (**B7**); Dormouse - CSA/6675/11 (**B8**); Birds - CSA/6675/12 (**B9**) and Great crested newt - CSA/6675/13 (**B10**)). Similarly, these final pieces of survey information have not altered earlier conclusions.

### Site Allocation

- 4.7 The Appeal Site is allocated for residential development; no substantive on-site ecological constraints were identified in either East Suffolk Council or Ipswich Borough Council policies.
- 4.8 Fundamentally the Appeal Site is of low ecological interest, being dominated by arable land and agriculturally modified grassland, such that its development should not in principle give rise to significant ecological harm.



## Scheme Design Principles

- 4.9 As set out above, development has been almost exclusively focused on areas with the lowest ecological value, comprising arable habitat (F1, F2 and F4) (Figure 1) and modified grassland (F3).
- 4.10 Furthermore, subject to implementation of standard safeguards and identified mitigation measures, no significant residual effects are predicted in respect of any identified important ecological features.



**Figure 1.** The Appeal Site is dominated by intensively cultivated arable land

- 4.11 The scheme has been designed to retain and protect those habitats of greater ecological interest, including small areas of broadleaved woodland (W1 and W2 understood to be have been planted c.25 years ago), mixed scrub (western-most land parcel), and boundary habitats including native hedgerows and mature trees. Buffer zones have been provided to help protect these habitats and maintain green corridors for wildlife around the development, including flightlines for bats.
- 4.12 As well as retaining the existing vegetation along the north-eastern edge of the Site, this boundary will be strengthened with new native trees, thicket and structural planting. These measures will contribute to aims of

Ipswich Local Plan Policies CS16 (Green Infrastructure, Sport and Recreation) and DM9 (Protection of Trees and Hedgerows).

- 4.13 Swales, wildlife ponds and drainage basins will also form an integral part open space habitats (see illustrative images in Section 7, taken from the Landscape Strategy Plan CSA/6675/116A). These new aquatic and wetland features will also help provide suitable habitat and foraging for a range of species, including opportunities for bats (through enhanced foraging/prey provision) and connective habitats for amphibians.
- 4.14 In developing the scheme as described above, the mitigation hierarchy has been applied, with the highest value habitats retained. Impacts to retained habitats and species have then been reduced by the use of buffer zones and appropriate proposals for future management have been set out, as detailed within the biodiversity net gain report.
- 4.15 Ecological advice was provided through the iterative design process for the Appeal Scheme. This resulted in the inclusion of more habitats and features to benefit biodiversity and local wildlife. For example, Public Open Space was re-designed to include areas of neutral grassland, community orchard, wildlife ponds and tree planting. In addition to the above, bird boxes, bat boxes, log piles and 'hedgehog gaps' were all included in proposals for the scheme to ensure biodiversity opportunities within the Appeal scheme would be maximised.

## 5.0 ON-SITE ECOLOGICAL EFFECTS

### Ecological Baseline

- 5.1 The Councils' reasons for refusal highlights *"a number of aspects which require further survey work and investigation to ensure the Local Planning Authority fulfils its statutory duties and ensures proposals meet the relevant planning policy requirements"*.
- 5.2 However, further to an updated joint Statement of Case for the Councils, provided on 10 December 2024 it has now been accepted that, further to the additional ecological information provided, this reason for refusal can now be addressed by way of conditions and/or planning obligation. The agreed Statement of Common Ground (SoCG) for On-site Ecology and BNG (**SoCG8**) confirms that this reason for refusal now falls away.
- 5.3 Whilst this reason for refusal has now been withdrawn, the ecological consultation responses specifically mention a number of species and habitats, and these points are briefly discussed below.

### Effects on Habitats

- 5.4 As set out in Section 4, the Appeal Site is dominated by habitats of low intrinsic ecological interest, comprising arable land and agriculturally modified grassland. The majority of development impacts will be within these low interest habitats such that significant adverse effects are not predicted in this respect. The majority of other habitat at the Appeal Site, including scrub and woodland, will be retained alongside development.
- 5.5 Some unavoidable removal of linear hedgerow habitat is necessary to facilitate vehicular access to the Appeal Site. Any such removal will be compensated for through new hedgerow planting and enhancement.

## Effects on Species

### Bats

- 5.6 A total of four remote bat detectors were deployed on three occasions to provide a total dataset of 15 survey nights (covering September 2023, May 2024 and June 2024) to establish a picture of the number of bat species using the Appeal Site, their relative activity levels and seasonal variation in activity (see Supplementary Ecology Report: Bats CSA/6675/10 (**B7**)).
- 5.7 At least seven species of bat were identified using the Site. A number of contacts were also recorded for bats which fall within the genera of *Pipistrellus*, *Myotis* and *Nyctalus/Eptesicus*, but were unidentifiable to species level.
- 5.8 Over 92% (21,303) of the total contacts recorded were of common pipistrelle *Pipistrellus pipistrellus* (Figure 2, **B7**). With the exception of common pipistrelle, all bat species identified on-site were recorded in relatively low levels, with a median of less than 1 contact per hour.
- 5.9 Barbastelle bats, the most notable of the species detected, were recorded at all monitoring locations (ML). Whilst a peak count of 6.176 contacts per hour was recorded (at ML4), this may reflect the movement of several bats or just one individual flying backwards and forwards. The average (median) count was significantly lower (between 0.397 and 0.091 contacts per hour). A third of detector nights (20 of 60) did not record any barbastelle at all (see Table 3, Supplementary Ecology Report: Bats CSA/6675/10 (**B7**)).
- 5.10 Barbastelle bats tend to forage over a wide area (a typical nightly foraging radius of 7km is recorded<sup>1</sup>). The level of detections made on the Site suggests that whilst barbastelle are present, the Site is not likely to represent a significant foraging resource for this species. This is reflected by the dominance of arable and agriculturally modified

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<sup>1</sup> Bat Conservation Trust (undated). Barbastelle – Back from the Brink Species Information Guide.

grassland at the Site which provides a very limited foraging resource.

- 5.11 All trees and sections of hedgerow scheduled to be removed as part of the proposed development were surveyed as part of a site-wide 'Preliminary Roost Assessment of Trees'. No trees with bat roosting potential are to be removed, with all sections of hedgerow scheduled for removal found to be of 'Negligible' potential to support roosting bats.
- 5.12 Development proposals have sought to minimise the extent of hedgerow removal and deliver a net gain in hedgerow length. Approximately 150m of hedgerow will be removed to facilitate vehicular access and associated visibility requirements, none of which is 'species-rich'. Based on current calculations and as shown in the statutory biodiversity metric, in excess of 2,000m of native hedgerow will be created.
- 5.13 An ancient/veteran oak tree (T056) is identified within the isolated north-west parcel of land, adjacent to Tuddenham Road. The arboricultural survey advised removal of ivy to allow further inspection in respect of tree condition. It is acknowledged that whilst this tree assessed for bat roosting features, the dense ivy coverage limited the extent of ground-level assessment possible. However, as no development is proposed within this area, it will not be necessary to remove ivy from this tree, hence any potential concern regarding bat roosting is alleviated.

#### Dormouse

- 5.14 The final survey results (Supplementary Ecology Report: Dormouse CSA/6675/11 (**B8**)) show that dormice are likely absent from the Site, with no evidence of foraging, breeding or nesting identified during the survey work.
- 5.15 The results are based on an approved survey effort (monthly surveys between September-November 2023 and April-July 2024), obtaining a score of 20 (equal to the minimum search effort score recommended in

the Dormouse Conservation Handbook 2nd Edition<sup>2</sup> ).

#### Wintering birds

- 5.16 The Appeal Site is predominantly arable in nature and is situated on the urban fringe where it is likely to be subject to a degree of human disturbance. Whilst not especially close to the identified SPA/Ramsar sites, there is acknowledged to be some potential for such land to be used by wintering birds associated with these sites and thus to be 'functionally linked' to the designation. It was determined that wintering bird surveys would be appropriate and two surveys were undertaken in November and December 2023. It is acknowledged that the surveys did not extend to January and February 2024 and that no data is available for these months.
- 5.17 The Bird Survey Guidelines<sup>3</sup> recommend as the default position that four survey visits (November to February) should be completed, but fewer visits may be acceptable, where justification can be given.
- 5.18 The results from the two surveys showed that the Appeal Site supported a fairly standard range of wintering passerines considered to be typical of farmland and urban fringe habitats. Priority species of passerines were found in low densities with total counts of just single birds recorded for linnet, skylark and yellowhammer (Supplementary Ecology Report: Birds CSA/6675/12 (**B9**))
- 5.19 In terms of priority waterfowl species, only a single common waterfowl species, greylag goose, was recorded (eight geese seen flying over on one occasion) and a single woodcock was 'flushed' from a field margin in the north of the Site on one occasion. The site was assessed to be relatively poor in terms of any of the specialist groups, such as non-breeding waders. None of the Qualifying Bird Species for the Deben Estuary SSSI, SPA & Ramsar site, or the Stour and Orwell Estuaries SSSI, SPA & Ramsar site, were recorded during the November and December

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<sup>2</sup> Bright *et al.* (2006) Dormouse Conservation Handbook. 2<sup>nd</sup> Edition. Natural England

<sup>3</sup> Bird Survey & Assessment Steering Group (2024). Bird Survey Guidelines for assessing ecological impacts, <https://birdsurveyguidelines.org> [accessed 17/11/2024]

2023 wintering bird surveys.

- 5.20 Further wintering bird surveys have been undertaken in the run up to the Appeal to double check these conclusions and to provide additional reassurance. Surveys, in line with methods previously applied, were undertaken on 29 October, 16 November and 28 November, with the latter comprising a nocturnal survey (see **Appendix A** for the results). As previously, none of the Qualifying Bird Species associated with the nearby European Sites at the Suffolk Coast were seen to use the site.
- 5.21 The full extent of the winter bird survey data now available supports the conclusions reached in the original EclA (CSA/6675/04A) (**B3**); there is no indication that the Appeal Site supports any of the Qualifying Bird Species pertinent to the nearby European Sites and the wintering bird assemblage is of ecological importance at no more than the Local level.

#### Breeding Birds

- 5.22 Breeding bird surveys were undertaken monthly between March and June 2024. Given the dominance of arable land and agriculturally modified grasslands, and the distance from important bird areas, a total of four survey visits was judged to be sufficient survey effort to confirm the breeding bird interest of the Appeal Site. For many years, four surveys has been a common survey approach, although it is recognised that the Bird Survey Guidelines<sup>1</sup> now recommend six survey visits for breeding birds: they also state that *"fewer survey visits may be justified for projects with very limited impacts, or sites with habitats of low value to birds"*. This allows for fewer than six breeding survey visits, where justification is given.
- 5.23 A total of 43 species were recorded on or adjacent to the Site, 19 of which were priority species (see Supplementary Ecology Report: Birds CSA/6675/12, **B9**); this is assessed as being a population of no more than Local value. Furthermore, none of the qualifying bird species associated with the Sandlings SPA were identified at the Appeal Site. The breeding bird survey results indicate that the Appeal Site supports a typical assemblage of breeding birds. A modest number of farmland specialist

species were found on site, including skylark (2), yellowhammer (2) and whitethroat (5). Other generalist farmland species were recorded on site, such as greenfinch, kestrel and woodpigeon.

- 5.24 In summary, the additional survey information does not materially alter the conclusions reached in the original EclA (CSA/6675/04A)(**B3**) in respect of breeding birds.

#### Great Crested Newt

- 5.25 Initial Habitat Suitability Index (HSI) assessments and environmental DNA (eDNA) surveys were undertaken in September 2023, when site assessment work was first instructed. It is fully acknowledged that the eDNA samples collected were outside of the recommended period for sampling (15 April to 30 June), hence a negative eDNA result could not confirm likely absence (however, a positive result could confirm presence). None of the eDNA samples collected in 2023 provided positive results for great crested newt. To accord with appropriate seasonal timings, the HSI and eDNA surveys were updated in June 2024 (within the recommended sampling period).
- 5.26 As described in the Supplementary Ecology Report: Great Crested Newt (CSA/6675/13, **B10**), a total of 13 ponds were identified which were considered to require assessment. These were either within 250m of the Site and well-connected by suitable terrestrial habitats or, in the case of pond P19, there were recent positive records. Ponds P11 and P12 were also included in the assessment due to their proximity to Pond 19. Access was not sought to a further six ponds identified within 500m due to the a combination of their distance and separation from the Site.
- 5.27 Of the 13 ponds identified for further survey work, access was not granted by landowners to five of these ponds (P1, P2, P8, P9 and P10) in 2024. (Access was previously granted to Ponds P1 and P2 in 2023). Two of the remaining ponds (P4 and P7) were found to be dry in June 2024 and were not therefore included in further survey work.
- 5.28 Further to the details above, eDNA samples were collected from the



remaining six ponds (P3, P5, P6, P11, P12 and P19). The samples collected from ponds P3, P5 and P6 (all within 'Lacey's Farm' to the north-east of the Site) returned a negative result for great crested newts, indicating a likely absence of GCN (all of these ponds were also assessed to be of 'Poor' suitability). Water samples for P11, P12 and P19 (all within the cemetery grounds to the west of the Site) returned a positive result for great crested newt, confirming great crested newt presence in the ponds at this time.

- 5.29 The ponds where GCN populations have been confirmed lie over 360m from the main site (220m from the western land parcel, where no development is proposed). These ponds are surrounded by suitable terrestrial habitat and based on the distance and the location beyond Humber Doucy Lane and Tuddenham Road, there is considered to be negligible potential for great crested newts from these known populations to be present at the Appeal Site.
- 5.30 The results of these 2024 surveys are not considered to alter the conclusions reached in the original EclA (CSA/6675/04A)(**B3**); no significant effect upon the local great crested newt population is predicted.

### **Implications of Additional Survey Information**

- 5.31 Based upon the additional survey information no greater impacts are predicted than those set out within the submitted ecological information that accompanied the planning application. As such the conclusion of this original EclA (CSA/6675/04A)(**B3**), that there would be no significant residual negative effects on important ecological features, is endorsed.
- 5.32 Specifically in respect of bird related interest, the wintering bird survey information now available (including three additional surveys from late October-early December 2024) supports earlier results and continues to provide no evidence that the Appeal Site supports any of the Qualifying Bird Species associated with the nearby European Sites. The Information to Inform HRA report (CSA/6675/05A)(**B11**) concludes at Paragraph 3.8

that there are no likely significant effects from the Appeal Scheme on the integrity of the European Sites with regard to the removal of potential supporting habitat. This conclusion is endorsed by the additional survey results.

## 6.0 BIODIVERSITY NET GAIN

### Biodiversity Net Gain: Baseline

- 6.1 The baseline biodiversity value for the Appeal Site was set out clearly within the Ecological Impact Assessment (EcIA) (CSA/6675/04C)(**B4**) and Biodiversity Net Gain Assessment (BNGA) (CSA/6675/06A)(**B5**) reports with full condition assessments prepared. A summary of the biodiversity baseline is provided below:
- Arable land (27.68ha) with condition fixed at 'n/a'
  - Modified grassland (2.7ha) in moderate condition
  - Other Broadleaved Woodland (0.42ha) in moderate condition
  - Mixed scrub (0.35ha) in poor condition
  - Other neutral grassland, of which 0.14ha is in moderate condition and 0.06ha poor condition
  - Hardstanding (0.18ha) with condition fixed at 'n/a'
  - Hedgerows, 15 sections totalling 3.04km, all of which are in good condition:
- 6.2 Based upon the above, the statutory biodiversity baseline value for the Site was calculated at 72.28 habitat units and 43.88 hedgerow units.
- 6.3 There is no dispute between the parties that the baseline biodiversity value of the Site as calculated. As set out in the Council's statement of case paragraph 7.33: *"It is accepted that adequate baseline information on this has been submitted and that matters of detail on Biodiversity Gain delivery are for later in the planning process. Subject to the required planning conditions being imposed on any grant of permission the Councils are content for the BNG element of this RfR to fall away"*.
- 6.4 Furthermore, the Councils have now agreed a SoCG (**SoCG8**) confirming that the Reason for Refusal covering BNG issues is not pursued. Nonetheless, the points raised in respect of BNG within the ecological consultation responses are briefly addressed below.

## Biodiversity Net Gain: Post Development Proposals

- 6.5 The proposed scheme was subject to an iterative design process with the following specific aims and advice provided in accordance with the Biodiversity Gain and Mitigation Hierarchies:
- Avoid entirely direct losses or deterioration of irreplaceable habitat, a potentially veteran tree to the west of the Site
  - Minimise necessary losses of hedgerows for vehicular and pedestrian access routes
  - Minimise losses of moderate distinctiveness mixed scrub and other broadleaved woodland habitats
  - Inclusion of habitats on-site which combine biodiversity interest with benefits to new residents and wider environmental benefits, such as orchards, hedgerows wildlife ponds and wetland features
- 6.6 The majority of the Appeal scheme (31.28 ha or 99%) only impacts habitats of low or very low distinctiveness comprising arable land, agriculturally modified grassland and hardstanding, with enhancement of retained scrub and woodland habitats. This clearly demonstrates how the Appeal Scheme is well located and designed to avoid losses of biodiversity.
- 6.7 The net effect of the proposed development upon biodiversity was calculated using the statutory biodiversity metric calculation tool. This calculated a net gain of 0.40 habitat units or 0.55% gain, and a net gain of 7.59 hedgerow units or 17.29% gain with all trading rules satisfied. This demonstrates that the Appeal Scheme would not result in a net loss of biodiversity for habitat units, whilst also demonstrating a gain in excess of 10% for hedgerow units.
- 6.8 It is proposed that to achieve the target 10% gain in biodiversity for habitat units, off-site biodiversity gain would be sought through a relevant mechanism or third-party provider, to deliver the **residual 6.83 habitat units**.

	Unit Change	Percentage Change
Habitat Units	0.40	0.55%
Hedgerow Units	7.59	17.29%

**Table 2:** On-site BNG unit change post-development

### Private Gardens

- 6.9 The matter of including 'vegetated gardens' within the BNG calculations was raised by Suffolk Wildlife Trust in their consultation response (**B13**) stating that "...the Units delivered by vegetated gardens should not be considered within the final calculation which delivers a gain of 10% above the original baseline value".
- 6.10 It is an established principle that private gardens can be included within BNG calculations, with the statutory metric user guide stating that "*The post-development private garden has no public access, and biodiversity net gains cannot be legally secured. As these gains cannot be secured you should only record created private gardens as either: 'urban – vegetated garden'; or 'urban - unvegetated garden'*". Therefore, I do not agree that vegetated gardens should be excluded from calculations in the manner suggested.

### Wildlife Ponds

- 6.11 East Suffolk Council and Place Services raised that the "*Priority ponds (for the purposes of BNG) have a strict definition which we consider will be challenging to meet*". It is acknowledged that priority ponds have a strict definition, but that this includes ponds which support populations of priority species, such as common toad *Bufo bufo*. Therefore, subject to creating ponds of sufficient quality to support such species they can be defined as priority ponds.
- 6.12 Notwithstanding the above, there is no difference in units generated by priority and non-priority ponds (0.58 units for ponds totalling 0.08ha).

Therefore, were priority pond habitats not to be achieved on-site this would not materially affect the outcome of the biodiversity metric calculation.

#### Other Neutral Grassland

- 6.13 East Suffolk Council and Place Service state “‘*other neutral grassland*’ within the pre-development baseline is not assessed as being affected, however SUDs and ponds are proposed in this location”. To clarify, other neutral grassland is not proposed to be retained in any submitted documents, calculations or drawings. As set out in the biodiversity metric calculation all of the other neutral grassland (0.2ha) within the Site is shown as ‘lost’ to accommodate the SuDS and ponds as proposed.

#### **Securing Appropriate BNG Measures**

- 6.14 The principle of compensating for residual on-site biodiversity losses through off-site habitat provision is well established. Indeed, the government’s net gain impact assessment predicted 25% of biodiversity units to be delivered off-site<sup>4</sup>. A study by zu Ermgassen et al. 2021<sup>5</sup> raised some concerns with overreliance on biodiversity unit delivery on-site in respect to potential enforceability issues. These concerns have led to some strong advocates for the coordinated delivery of BNG units off-site, where dedicated land management may be better enforced and where the Lawton principles of ‘bigger, better and more joined up’ wildlife areas may be more achievable.
- 6.15 Any off-site biodiversity gain for the Appeal Scheme would be demonstrated through the preparation of the Biodiversity Gain Plan required to address the general Biodiversity Gain Condition for the Appeal scheme following any grant of planning consent. Any off-site biodiversity gain could only be used for these purposes where it is registered on the Biodiversity Gain Site Register which itself requires either

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<sup>4</sup> DEFRA (2019) *Biodiversity net gain and local nature recovery strategies* RPC-4277(1)-DEFRA-EA.

<sup>5</sup> zu Ermgassen, S. O. S., E., Marsh, S., Ryland, K., Church, E., Marsh, R., Bull, J. (2021). *Exploring the ecological outcomes of mandatory biodiversity net gain using evidence from early-adopter jurisdictions in England*. Conservation Letters. e12820. [Online] Available at: <https://doi.org/10.1111/conl.12820> [Accessed November 2024]

a Section 106 agreement or conservation covenant.

- 6.16 On-site biodiversity gain which is deemed significant by the consenting authority would be secured by an appropriate planning obligation, such as a planning condition. This would include the preparation and implementation of an on-site Habitat Management & Monitoring Plan (HMMP), which would secure monitoring for 30 years.

## 7.0 HABITAT REGULATIONS ASSESSMENT AND MITIGATION

### Background

- 7.1 An Information to Inform Habitat Regulations Assessment (HRA) (CSA/6675/05A)(**B11**) was submitted with the planning application for the Site and provides full details of relevant European Sites, screening of likely significant effects and an appropriate assessment of the scheme. This document was prepared to assist the competent authorities in respect of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

### European Sites and Sensitivities

- 7.2 The Deben Estuary SPA and Ramsar Site and Stour and Orwell Estuaries SPA and Ramsar Site are located c. 4.8km south and c. 6.7km east of the Site, respectively (see plan CSA/6675/103 in **Appendix B**). These coastal sites are designated for supporting internationally and nationally important populations of fauna and flora, principally birds.
- 7.3 The Site Improvement Plan for Deben Estuary SPA notes public access/disturbance as a 'pressure/threat' and recommends that recreational use should be investigated, with the aim to minimise the impact of disturbance to the estuary. The Site Improvement Plan for Stour and Orwell Estuaries SPA also notes public access/disturbance as a 'pressure/threat' and recommends that a cross-sector disturbance management plan should be co-ordinated.
- 7.4 The Sandlings SPA is located c. 11.0km east of the Appeal Site, which falls within the Zone of Influence of this designation (see plan CSA/6675/103 in **Appendix B**). The Site Improvement Plan for this heathland designation notes public access/disturbance as a pressure upon nightjar and woodlark, and recommends that the impacts of recreational pressure, particularly by dogs off leads, is determined for this designation.



- 7.5 The proposed development will result in an increase of c. 1,584 new residents, based upon an average occupancy of 2.4 people per dwelling and the 660 dwellings proposed. In combination with other residential developments allocated within Ipswich and Suffolk Coastal Local Plans, this has the potential to cause an increase in visitors to the European sites identified within the 13km Zol, which is being used to determine recreational impacts on the coastal and heathland European sites within Suffolk (Hoskin, Liley and Caals, 2020<sup>6</sup>).
- 7.6 Recreational impacts at the identified European Sites are principally perceived to be via disturbance from walkers, dogs and water-based activities (Hoskin, Liley and Caals, 2020). The most likely locations for these activities in relation to the Appeal Site, are south to accessible locations on the northern banks of the Orwell Estuary and similar locations on the western banks of the Deben Estuary, as well as further east to heath and woodland habitats at the Sandlings SPA.

### **Recreational Disturbance and Avoidance Mitigation Strategy**

- 7.7 A Recreational Disturbance and Avoidance Mitigation Strategy (RAMS) was jointly commissioned by East Suffolk, Ipswich Borough, Babergh District and Mid Suffolk Councils (Hoskin, Liley and Panter, 2019<sup>7</sup>). The purpose of the RAMS is to set out mitigation measures to account for recreational impacts caused by the increase in local residents as part of the planned growth in the area. The RAMS helps to facilitate development within the identified 13km recreational Zol surrounding Suffolk Coast European sites without having an adverse effect on their integrity.
- 7.8 As part of the mitigation measures set out in the RAMS, a financial contribution is sought from developers for projects within the Zone of Influence. Two separate tariff zones are identified. Zone A reflects the

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<sup>6</sup> Hoskin, R., Liley, D. and Caals, Z., 2020. Habitats Regulations Assessment of the Ipswich Borough Local Plan Review at Final Draft Plan Stage. Wareham: Footprint Ecology.

<sup>7</sup> Hoskin, R., Liley, D. and Panter, C., 2019. Habitats Regulations Assessment Recreational Disturbance Avoidance and Mitigation Strategy for Ipswich Borough, Babergh District, Mid Suffolk District and East Suffolk Councils – Technical Report. Wareham: Footprint Ecology.

zone of influence to the Stour and Orwell Special Protection Area (SPA) and Ramsar and the Deben SPA and Ramsar and Zone B relates to all the relevant Habitat Sites apart from the Stour and Orwell.

#### Supplementary Planning Policy and Other Guidance

## SPD 1.2

- 7.9 Both Ipswich Borough Council and East Suffolk Council have prepared Supplementary Planning Documents to guide the delivery of the RAMS. In the IBC document (**B20**), paragraph 2.4, it states *"It should be noted that some residential schemes, particularly those located close to a European Site boundary or large scale developments, are likely to need to provide additional mitigation measures (in addition to the tariff) such as Suitable Alternative Natural Green Space (SANGS) or green infrastructure measures"* [my emphasis]. On their website, IBC state *"It should be noted that some housing schemes, particularly those located close to a European site boundary or large-scale development of over 50 units may need to provide additional mitigation measures. The Council, with advice from Natural England, will consider the mitigation requirements for such development proposals on a case-by-case basis"*<sup>8</sup>.
- 7.10 Annex 1 of the Suffolk Coast RAMS Habitat Regulation Assessment (HRA) Record (**B12**) provides the full guidance agreed with Natural England for larger scale residential developments comprising 50 or more residential units. It states *"Developments of this scale should include provision of well-designed open space/green infrastructure, proportionate to its scale. Such provisions can help minimise any predicted increase in recreational pressure to the European sites by containing the majority of recreation within and around the development site boundary away from European sites. We advise that the Suitable Accessible Natural Green Space (SANGS) guidance here can be helpful in designing this; it should be noted that this document is specific to the SANGS creation for the Thames Basin Heaths, although the broad principles are more widely*

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<sup>8</sup> <https://www.ipswich.gov.uk/planning-and-building-control/development-management/suffolk-coast-recreational-avoidance-and>

applicable." [my emphasis]. Natural England further advise that such provisions should include:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km within the site and/or with links to surrounding Public Rights of Way
- 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

7.11 As per my emphasis above, it is noted that Natural England's advice suggests SANGS guidance "*can be helpful*" in designing open space/green infrastructure, rather than asserting that open-space design must, necessarily, tightly accord with every aspect of the Thames Basin Heaths SANGS guidance. The clear recognition in this is that the functional effectiveness of the mitigation is the key criterion rather than any set standard: flexibility can be exercised, as also implied within the IBC SPD.

### **Mitigation Approach Taken for the Appeal Scheme**

7.12 In light of the above advice, and in accordance with the widely-adopted approach to mitigating recreational impacts in this region, the following three elements are proposed in respect of mitigation for the identified European Sites:

- (i) Payment of the tariff set out in the Suffolk Coast RAMS, and
- (ii) Provision of extensive well-designed open space and walking routes on-site, accessible to new and existing local residents.
- (iii) Promotion and facilitation of connections to wider walking routes/public footpaths across the surrounding landscape, accessible to new and existing local residents.

## Tariff Payment to Suffolk Coast RAMS

7.13 A financial contribution will be paid by the Appellant to the relevant authorities. This tariff will contribute towards the estimated cost of £3.7 million required to implement measures that protect the European sites. These include:

- *Staff resources*
- *Signage, interpretation and awareness raising*
- *Car parking*
- *Dog related measures*
- *Site specific projects and longer-term measures*

7.14 As stated in the RAMS, "Two separate tariff zones are identified:

- *Zone A - reflects the zone of influence to the Stour and Orwell Special Protection Area (SPA) and Ramsar and the Deben SPA and Ramsar; and*
- *Zone B - relates to all the relevant Habitat Sites apart from the Stour and Orwell."*

7.15 For development projects in Zone A the tariff as of 19<sup>th</sup> April 2024 is set at £142.27 per dwelling and in Zone B the tariff is £374.29 per dwelling, subject to annual inflation.

SPD1.2 7.16 A map of the tariff zones is shown in Appendix 2 of the Ipswich Borough Council RAMS SPD (**B20**) and East Suffolk RAMS SPD. This map suggests that the proposed development is located within both Zones A and B, with the units within Ipswich Borough subject to the Zone A tariff and the units within East Suffolk subject to the Zone B tariff. However, due to the map scale, the exact boundary between Zones A and B cannot be determined and should be clarified by the councils.

SOCG9 7.17 Further to the agreed Statement of Common Ground on HRA matters (**SOCG10**) there is no dispute that the tariffs will apply to the Appeal Site and that these will need to be secured, as appropriate, through a Section 106 agreement.

## On-site Open Space and Walking Routes

7.18 In addition to the RAMS tariff, given the scale of development on-site measures are also provided to reduce the recreational impacts of the Appeal Scheme *alone* upon the European sites.

7.19 The proposed development includes the following on-site measures:

- Provision of c. 11.5ha of open space and green infrastructure on site. This accounts for c. 34.6% of the Site, above the 10% open space requirement as part of Policy DM6 of the Ipswich Local Plan. The proposed development includes the retention of natural and semi-natural areas along the northern boundary, with additional native tree and thicket planting along this boundary as part of the 'Green Trail' on site. There will be a central village green and other amenity areas, along with a dedicated 'dogs-off-lead' area.
- In addition, there will be a provision of on-site recreational routes totalling c. 4.9km, with the longest circular walking route c. 2.3km in length.

7.20 On-site walking routes are illustrated on plans (**Appendix E**) as shown within the Information to Inform HRA report (**B11**). These walking routes take full advantage of the more interesting boundary habitats and natural greenspaces. I consider that whilst the current plans stop short of detailed landscape design, the Illustrative Landscape Strategy plan (CSA/6675/116A)(**Appendix C**) helps to highlight what is intended and how this could provide high quality semi-natural greenspaces which will be attractive for recreation. Figures 1 to 4 below are taken from this landscape strategy plan.

7.21 Further to the agreed SoCG on HRA matters (**SoCG10**), it is agreed that *"on-site Public Open Space within the Appeal Site could include a number of walking routes which will accommodate some of the recreational needs of residents."* I contend that these recreational routes are substantial and will provide significant new on-site recreational opportunities and improved accessibility to the wider

## SOCG 9

public rights of way (PRoW) network for existing local residents, particularly for those living on Humber Doucy Lane, Inverness Road, Sherborne Avenue and Sidegate Lane. Residents from these areas will be able to use on-site recreational routes, which provide additional safe connections to the wider footpath network.



**Figure 1.**



**Figure 2.**





**Figure 3.**



**Figure 4.**

- 7.22 The on-site open spaces will vary in width and in character but will combine to provide an attractive network of greenspaces. The Illustrative Landscape Strategy Plan (CSA/6675/116A) (**Appendix C**) contains a couple of illustrative cross sections through the greenspace.

### **Off-site Walking Routes**

- 7.23 In addition to on-site measures, off-site walking routes will be promoted through new signage and residents' information packs. There are four principal connection points from the Appeal Scheme onto the adjacent

footpath network and quiet lanes, as shown on the Illustrated Off-Site Walking Routes plan (CSA/6675/125) in **Appendix D**.

7.24 The Illustrated Off-Site Walking Routes plan (CSA/6675/125) in **Appendix D** and the Local Public Right of Way Network plan in **Appendix E**, shows the wider site context, and how well the Appeal Site is served by adjacent PRowS. On-site walking routes will connect to a number of off-site routes of various lengths. The Illustrated Off-Site Walking Routes plan (**Appendix D**) and associated photographs, show the attractive landscape that can be explored via the footpaths and quiet lanes connecting to the Appeal Site. Options include routes ranging from 2.1km to 4.3km. In addition, the Local PRow plan in **Appendix E** highlights just how many further routes are available, offering residents a truly extensive network of paths, with options to select longer walks, if desired.

## SoCG 9

7.25 The SoCG for HRA matters (**SoCG10**) states: *"It is agreed that the walking routes afforded by existing off-site public rights of way (as described in the Appellants information to inform HRA report (CSA/6675/05A), will provide a range of suitable walking routes for residents, including a number of attractive longer walks in excess of 2.7km."*

7.26 In terms of the most scenic routes, once past the railway line to the north the Fynn Valley comes into sight and the footpaths connect to the what is known as the 'Fynn Valley Path'. The Discover Suffolk<sup>9</sup> website describes this as follows:

*"Winding its way between Woodbridge and Westerfield, the Fynn Valley Path takes in some of Suffolk's most picturesque countryside. Passing through lovely villages such as Little Bealings, Playford and Tuddenham St Martin along the way, the Fynn Valley Path makes a really fabulous day's gentle walking, with some great places to stop and eat as you go!"*

7.27 The section of the Fynn Valley between Tuddenham St Martin and Playford is readily within reach and could be used as part of a longer

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<sup>9</sup> <https://www.discoversuffolk.org.uk/promoted-trails/fynn-valley-path/>



circular walking route.



**Figure 6.** The Fountain public house at Tuddenham St Martin



**Figure 7.** Fynn Valley Path heading south from Tuddenham St Martin

- 7.28 The images above and plans in **Appendices D & E** demonstrate the attractive nature of the wider recreational walking routes. It is considered that the on-site and off-site walking routes will be an exceptionally strong draw for new residents, encouraging local recreation and attracting people away from the Suffolk Coast.

## **Consultee Responses**

### Natural England

- 7.29 Natural England's consultation response (**B16**) stated (my emphasis):  
*"No objection - subject to appropriate mitigation being secured... In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured:*

- *A minimum 10ha area of suitable alternative natural greenspace (SANGS), which includes all the measures outlined in the SHRA and a requirement to provide a detailed plan and a long-term funding, maintenance and management strategy for the SANGS at a future planning application stage.*
- *A suitable contribution per new dwelling to the Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy ('RAMS') to ensure that the delivery of the RAMS remains viable."*

- 7.30 In their response and non-objection above, although Natural England reference the term 'SANG', what they sought was the inclusion of all the mitigation measures outlined in the Information to Inform Habitat Regulations Assessment (HRA)(CSA/6675/05A)(**B11**). These measures are reflected within the scheme design and landscape strategy and comprise the following:

- 11.5ha of open space and green infrastructure
- High-quality, informal, semi-natural areas
- Circular dog walking routes of within the site and/or linked to surrounding Public Rights of Way
- A dedicated 'dogs-off-lead' area

- Signage and information leaflets for householders promoting these areas for recreation
- Dog waste bins
- A commitment to the long-term maintenance and management of these provisions

7.31 The origin of the greenspace figure quoted by Natural England in their consultation response, namely the request for a minimum provision of 10ha, was clarified in a recent email exchange between the ESC Ecologist and Natural England (**B17**). Natural England cited the Accessible Greenspace Standards set out within the Green Infrastructure Standards for England Summary v1.1 (**B14**, Appendix 2), indicating their view that that a Neighbourhood Natural Greenspace (minimum 10ha size, located within 1km) should be available for a development of this size. As highlighted in the Forward to the document, the Green Infrastructure Standards recommend a target for “*everyone to have access to and benefit from good quality green and blue spaces within 15 minutes’ walk from home.*”

7.32 Reason for Refusal 7 suggests it has not been adequately demonstrated that the proposed development can secure the delivery of the avoidance and mitigation measures identified in relation to HRA. The response goes on to suggest further information is required before it can be concluded that the proposed development will not have an adverse effect on the integrity of the European sites.

7.33 East Suffolk Council's consultation response (**B13**) states that “...we have an initial concern that the quoted area of greenspace to be delivered as part of the development is not achievable... from the information provided to date it is considered highly likely that the amount of onsite recreational greenspace will need to be reduced to account for other infrastructure requirements (particularly related to site drainage) meaning that the c.11.5Ha area quoted in the application documents won't be deliverable. It is also unclear whether this figure includes the isolated land parcel to the west of the main site?”.

- 7.34 In the Councils' updated Statement of Case (Paragraph 7.37) it is emphasised that the effectiveness of the on-site open space as mitigation for recreational disturbance effects is considered to be *"undermined by the design, uses and location of the spaces proposed. In particular the separation of part of the proposed open space away from the main development site is considered to significantly limit its availability and desirability. The inclusion of large drainage basins, other infrastructure (including formal play space) and the potential for some parts of the open space to be designed to maximise their biodiversity value for Biodiversity Net Gain purposes is also considered to negatively impact upon the amount of green space which can be considered as suitable alternative natural green space for mitigation purposes"*.
- 7.35 In respect of the separate area of open space away from the main development, it is accepted that there is a small, disconnected area west of the main Site, which extends to 0.35ha. It is agreed that this area has limited accessibility. If this parcel is excluded from the open space provision, the total of greenspace available on-site would still comfortably exceed the minimum 10ha requirement deemed to be appropriate by Natural England.
- 7.36 In respect of the inclusion of drainage basins and other infrastructure within open spaces, such features are widely accepted to qualify as an appropriate component of green infrastructure areas. Indeed, in their Green Infrastructure Standards for England – Summary (2023) (Appendix 5) **(B15)**, Natural England define Green Infrastructure as including both green and blue infrastructure, including but not limited to elements such as parks and gardens; amenity greenspace; natural and semi-natural urban greenspaces; green corridors and vegetated sustainable drainage systems, (SuDS) etc. Greenspace is defined as *"an area of vegetation that is set within a landscape or townscape. Greenspace can include blue space (i.e. lakes, rivers and wetlands), and may include built environment features."*

- 7.37 I would contend that well-designed SuDS, as envisaged within the Appeal Scheme, often provide attractive areas within open spaces, which provide a valuable element of visual amenity. It is my view that site drainage features can and should form part of the open space provision and should be considered an integral part of the on-site mitigation requirements.
- 7.38 As regards the more formal open space components, these comprise 0.21ha in total (children's playspace and provision for young people). Were these to be excluded from the natural greenspace calculation, together with the 0.35ha parcel of disconnected greenspace, the total open space provision would still be c.10.94ha, exceeding the minimum requirement set out by Natural England.
- 7.39 Finally, regarding the point about providing habitats that are beneficial for biodiversity net gain calculations, I see no fundamental conflict between the delivery of natural greenspaces for people/recreation and the establishment of many habitats delivered to provide biodiversity gains. In this type of location, habitat creation proposals are tempered by the likely effects of human pressure and highly sensitive natural habitats are not proposed. Significant on-site greenspace should, by definition, deliver habitats of biodiversity value, such as long grassland, native thicket, community orchard and ponds. Such a mosaic of habitats is necessary to create attractive natural areas which will therefore attract recreational use. This is good design and an important aspect in helping to divert visits away from the identified European sites.

### **Summary**

- 7.40 In consideration of the points above, appropriate mitigation can be successfully delivered and secured, in line with the requirements at the time of submission, and as set out in the Natural England consultation response, allowing confidence that there will be no adverse effect on the integrity of the European sites.
- 7.41 The Appeal Scheme can deliver the quantum of high-quality



greenspace required by Natural England and suitable on-site and off-site walking routes will be available to attract considerable use from new and existing residents of this area. On-site measures can be secured through control of detailed design and appropriately worded planning conditions. Tariffs payments for off-site RAMS can also be secured through a Section 106 agreement.

## 8.0 CONCLUSION

- 8.1 Additional species survey information has been collected during 2024, providing a comprehensive set of ecological surveys. These additional results are discussed herein and the extra information does not change the original conclusions set out within the Ecological Impact Assessment report accompanying the planning application. It was originally concluded that there would be no significant residual negative effects on important ecological features; this remains the conclusion.
- 8.2 Biodiversity Net Gain principles have been explained and discussed. It is maintained that BNG can be successfully delivered through a combination of on-site and off-site measures, appropriately secured.
- 8.3 Further to the Councils' updated Statement of Case and the agreed SoCG (**SOCC8**), the points raised in relation to on-site ecology and BNG within RfR6 (IBC decision) and RfR 5 (ESC decision), are no longer in dispute.
- 8.4 In respect of Habitat Regulations Assessment and the nearby Suffolk coastal European Sites, the Appeal Scheme will deliver the quantum of high-quality greenspace required by Natural England (>10ha). The inclusion of both green and blue infrastructure within this calculation is appropriate. A network of on-site walking routes will be available, which will attract considerable use from new and existing residents of this area.
- 8.5 An extensive range of off-site walking routes exist, which will be very attractive for longer recreational walks/activities. On-site greenspaces and paths will provide good connections to these off-site routes and will improve access for some existing local residents.
- 8.6 In light of this evidence, and noting the absence of any objection from Natural England, it is considered that the Inspector can rely upon the Information to Inform HRA report (CSA/6675/05A) and conclude that appropriate measures can be secured to ensure no adverse effect on the integrity of the European sites.



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