



Town & Country Planning Act 1990

APPEAL UNDER SECTION 78(1)

By

Barratt David Wilson and Hopkins Homes

At

Land Between Humber Doucy Lane and Tuddenham Lane, Humber Doucy Lane, Ipswich,
Suffolk (also referred to as: Land north-east of Humber Doucy Lane, Humber Doucy Lane,
Ipswich)

Proof of Evidence

By

James Meyer BSc (Hons) MCIEEM

Principal Ecologist

East Suffolk Council

Planning Inspectorate Refs: APP/R3515/W/24/3350674 & APP/X3540/W/24/3350673

IBC Ref: 24/00172/OUTFL ESC Ref: DC/24/0771/OUT

20 December 2024

Contents

- 1. Introduction**
- 2. Application**
- 3. Onsite Ecology/Biodiversity Net Gain (BNG) and Habitats Regulations Assessment Reasons for Refusal and Scope of Evidence**
- 4. Background to Habitats Regulations Assessment (HRA) in East Suffolk and Ipswich**
- 5. The application site and proximity to European designated sites**
- 6. Application Information to inform Habitats Regulations Assessment (HRA) Report**
- 7. Consideration of Application**
- 8. Conclusion**

Appendices

Appendix 1. LPAs consideration of supplementary ecological reports

Appendix 2. Natural England e-mail correspondence of 27th November 2024

1. Introduction

- 1.1 My name is James Meyer, and I am employed by East Suffolk Council as Principal Ecologist. I hold a BSc Honours degree in Ecology. I am a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM). I have worked in ecology and planning for over 17 years and have been employed by East Suffolk Council since April 2019. Before being employed by East Suffolk Council, I was Senior Conservation Planner for Suffolk Wildlife Trust (November 2016 to April 2019), Conservation Planner for Suffolk Wildlife Trust (August 2010 to November 2016) and Assistant Planning Policy Officer for Forest Heath District Council (December 2006 to August 2010).
- 1.2 In that time, I have given evidence on ecological matters at six Nationally Significant Infrastructure Project examination hearings, have given evidence at appeal hearing sessions on Habitats Regulations Assessment and protected species matters and have been lead council officer at biodiversity hearing sessions during the Forest Heath District Council's Core Strategy DPD examination focussing on European designated site policy
- 1.3 As part of my role at East Suffolk Council I undertake review of Habitats Regulations Assessment information submitted with planning applications and provide planning officers with expert advice in the preparation of Habitats Regulations Assessments, including Appropriate Assessment, as part of the decision-making process. I have also been involved with the preparation of the Suffolk Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS), both for the council and in my roles at Suffolk Wildlife Trust.
- 1.4 The evidence which I have prepared and provide for appeal references APP/R3515/W/24/3350674 & APP/X3540/W/24/3350673 is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

2. Application

2.1 The proposal subject to this appeal is a Hybrid Application with Full Planning Permission for the means of vehicle, cycle and pedestrian access to and from the site, and 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 on land at Humber Doucy Lane, Ipswich, Suffolk. The site is split between two local planning authority areas, Ipswich Borough Council and East Suffolk Council, which resulted in two identical planning applications being submitted (24/00172/OUTFL and DC/24/0771/OUT respectively).

3. Onsite Ecology/Biodiversity Net Gain (BNG) and Habitats Regulations Assessment Reasons for Refusal and Scope of Evidence

Onsite Ecology/Biodiversity Net Gain (BNG) Reason for Refusal

- 3.1 Ipswich Borough Council reason for refusal 6 (East Suffolk Council reason for refusal 5) **[DD5 and DD6]** sets out the reason for refusal in relation to the insufficient ecological survey and assessment information submitted as part of the application. This included insufficient ecological information on European Protected species (bats, dormouse, Great Crested Newt), Protected species (reptiles), Ancient/veteran trees and Priority species (farmland birds). The absence of this information, and its need to inform the final assessment of the ecological impacts of the proposed development, was recognised in the Ecological Impact Assessment (EclA) (CSA Environmental, March 2024) **[B3]** submitted as part of the application.
- 3.2 Both national and local planning policy is clear that the potential ecological impacts of a proposed development and the need for any necessary avoidance, mitigation and/or compensation measures, must be understood by the Local Planning Authority when determining a planning application (NPPF paragraph 193 and Local Plan policies Ipswich Borough Council DM8 (The Natural Environment) and East Suffolk Council SCLP10.1 (Biodiversity and Geodiversity)). Paragraph 98 of ODPM Circular 06/2005 (Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System) states that *“The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.”* Paragraph 99 of the Circular goes on to state that *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”* In determining planning applications Local Planning Authorities must also adhere to the “general biodiversity objective” imposed through Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) (as amended), including consideration of species of principal

importance for the purpose of conserving or enhancing biodiversity (UK Priority species) in accordance with Section 41 of the Act.

3.3 As recognised in the reason for refusal, the ecological information missing from the application at the time it was determined related to protected and UK Priority species. The absence of this information meant that the Local Planning Authorities were unable to fully consider the likely impacts of the proposed development on these species, as required by legislation, national planning policy and local planning policy. The inclusion of this matter as part of a reason for refusal is therefore considered justified.

3.4 Following the determination of the planning application the appellant has submitted the ecological survey and assessment information which was considered to be missing at the time of determination **[B4; B7; B8; B9 and B10]**. Consideration of these reports is included in Appendix 1.

3.5 Taken together, all of the ecological survey and assessment reports now submitted are considered by the Local Planning Authorities to provide the ecological information necessary to assess the potential impacts of the proposed development on protected species and UK Priority habitats and species. Therefore, as set out in the relevant Statement of Common Ground **[SoCG8]**, the Councils are satisfied that IBC reason for refusal 6/ESC reason for refusal 5 now falls away and is not pursued. No further evidence on this reason for refusal is therefore presented in this Proof of Evidence.

Habitats Regulations Assessment Reason for Refusal

3.6 Ipswich Borough Council reason for refusal 7 (East Suffolk Council reason for refusal 6) **[DD5 and DD6]** sets out the reason for refusal in relation to potential impacts on European designated sites. The wording of the East Suffolk Council reason for refusal is the same as that used by Ipswich Borough Council, with the exception of the relevant Local Plan policy references.

Ipswich Borough Council Reason for Refusal 7

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.

- 3.7 This proof sets out the Councils' consideration of the information provided as part of the planning application in relation to impacts on European designated sites and measures necessary to mitigate these impacts. As set out in the Councils' Statement of Case (paragraphs 7.34 and 7.35) **[SC3]** and the Habitats Statement of Common Ground **[SoCG9]**, it is understood to be common ground that a 13km Impact Risk

Zone/Zone of Influence exists, that a Suffolk Coast RAMS financial contribution would be secured by S106 agreement **[APD2 and APD5]**, and that for this purpose the appeal site is split between Suffolk Coast RAMS Zones A and B.

3.8 Disagreement remains over the onsite mitigation measures required, including the quantum of SANG which the development is able to deliver, and to what extent the quality of these areas are compromised by the need to include other infrastructure within them.

3.9 It is important to note that it is the appellant's responsibility to demonstrate that the development will not adversely affect the integrity of European designated sites. Irrespective of the planning judgement of this appeal, the Councils (as the original competent authorities) and the Inspector (as the appeal competent authority) had/have a legal duty to consider this, and to undertake an Appropriate Assessment influenced by it, prior to consenting this development. It is therefore essential that the Councils set out their professional position on this important matter in full through this proof of evidence.

3.10 It is noted in the application and appeal documents that the open space that the development must deliver to mitigate recreational disturbance impacts on European designated sites is variously referred to as public open space, recreational greenspace, green space, green infrastructure and Suitable Alternative Natural Greenspace (SANG). For the avoidance of doubt, the Councils consider that to meet the necessary policy and Habitats Regulations requirements land for this purpose must meet SANG standards. The primary purpose of SANG is to divert recreational pressure away from European designated sites to SANG land,¹ and land needed within the proposed development to serve this purpose will be referred to as SANG in this proof of evidence. SANG must be of an appropriate quantum and quality to perform its function. Natural England have published Guidelines for Creation of Suitable Alternative Natural Greenspace (SANG) (updated August 2021) **[B21]**,

¹ <https://www.gov.uk/guidance/appropriate-assessment> (paragraph: 006 Reference ID: 65-006-20190722) (accessed 11/12/2024).

primarily for the Thames Basin Heaths Planning Zone, but which provide core principles for SANG design and delivery which are considered to be good practice throughout the country. This includes that “Other functions may be provided within SANG, as long as this does not conflict with the specific function of mitigating visitor impacts on the SPA.” East Suffolk Council’s Healthy Environments Supplementary Planning Document [SPD6] contains local guidance on the necessary quantum and quality that SANG should deliver (at paragraphs 2.161 to 2.220). The SPD highlights that “SANG delivery in East Suffolk should focus on high quality, natural or semi-natural greenspaces that are easily accessible” (paragraph 2.179) and includes a Suitable Alternative Natural Greenspace (SANG) Design Quality Matrix (Table 15) which describes ‘Essential’, ‘Desirable’ and ‘Gold Standard’ design features for SANG areas dependent on the scale of the development which is delivering them. The appeal site is in ‘Development Scale Tier 2 (over 150 homes but less than 800 homes)’, the design criteria for which are set out in Table 1 below.

Essential Criteria	Desirable Criteria	‘Gold Standard’
<ul style="list-style-type: none"> • High-quality, informal natural/semi-natural greenspace areas populated with naturalised, diverse and layered planting and landscaping. • At least two access points into/from the SANG from residential development areas. • Access to active travel routes to main SANG area(s) within 100m of all homes. 	<ul style="list-style-type: none"> • Main SANG area(s) less than five minute walk (400m from all homes). • SANG designed to support ‘nature immersion’ experiences through natural environments and sensory separation from wider urban environment. • Active travel routes delivered to ‘green routes’ standard of quality. 	<ul style="list-style-type: none"> • Main SANG area(s) less than two minute walk (200m from all homes). • High quality rural views. • Creation/maintenance of undulating landscape. • Public art. • Habitat restoration.

<ul style="list-style-type: none"> • Main SANG area(s) less than ten minutes' walk (800m from all homes). • At least one longer (2.7km+) circular route for walking (on site or part on site and part via a well-connected PROW network). Reliance on access to PROW through on-road routes may not be accepted. • A shorter (around 1.5km) circular accessible walking route (on site or part onsite and part via PROW network) to support wheeling. • (where SANG is parcelled) Provision of active travel routes to fully connect parcels to each other. • Provision of dedicated dogs-off-lead area(s). • Provision of wayfinding signage and interpretation boards (including 	<ul style="list-style-type: none"> • A route for leisure cycling (on site or part on site and part via bridleways of PROW network) – can be combined with walking routes as shared use paths. • Play provision (plus dog lead tether points near any play areas). • Cycle parking provision. • Blue infrastructure/water features (e.g. pond, lake, fountains). 	
--	---	--

<ul style="list-style-type: none"> • information on the purpose of SANG) within the SANG. • Provision of accessible benches. • Provision of general waste bins and dog waste bins and dog lead tether points near any play areas. 		
--	--	--

Table 1. Extract from ESC Healthy Environments SPD Table 15 detailing SANG design criteria for Tier 2 developments.

4. Background to Habitats Regulations Assessment (HRA) in East Suffolk and Ipswich

4.1 In accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations (2017) (as amended), Habitat Regulations Assessments (HRAs) have been completed for East Suffolk (Suffolk Coastal Area) Local Plan (2020) **[B22]** and the Ipswich Borough Council Core Strategy and Policies Development Plan Document Review (2022)² **[CDREF-XX]**. In their examinations and in finding the plans sound, it was necessary for the Councils, as competent authorities for the purpose of plan making, to undertake plan level Appropriate Assessments. The conclusion of these is that a number of planning policies, including those relating to housing allocation, would have a Likely Significant Effects (LSE) on European designated sites and in the absence of suitable mitigation measures would result in an Adverse Effect on the Integrity (AEOI) of these sites.

Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

4.2 To advance the delivery of this mitigation East Suffolk Council and Ipswich Borough Council, in partnership with Babergh and Mid Suffolk District Councils, have prepared the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The Suffolk Coast RAMS is underpinned by a Technical Report **[B20]** prepared by Footprint Ecology.

4.3 As part of the HRA of the East Suffolk Council (Suffolk Coastal area) Local Plan **[B22]**, the HRA of the Ipswich Borough Council Core Strategy and Policies Development Plan Document Review² **[CDREF-XX]**, and the production of the technical report for the Suffolk Coast RAMS **[B20]**, the distance within which new residential development would result in an impact on European designated sites as a result of increased recreational disturbance (and in the absence of mitigation) was assessed. The evidence used in the above assessments and the Suffolk Coast RAMS indicates that new residential development within 13km of European designated sites will

² Habitats Regulations Assessment of the Ipswich Borough Local Plan Review at Final Draft Plan stage (Footprint Ecology, January 2020) ([ipswich_borough_hra_reg_19_stage_130120_final.pdf](#))

contribute to in-combination recreational disturbance impacts. This area is referred to as the Zone of Influence (ZOI). The use of 13km reflects the 75th percentile for visitors to the Sandlings and the Deben (taken from visitor surveys undertaken for these sites and detailed in the Suffolk Coast RAMS Technical Report **[B20]**), drawn from data from multiple survey points. The consistency between the 75th percentile for the two surveys provides confidence that this is likely to define the draw of the Suffolk Coast for people living inland. 13km is on the larger side compared to some other strategic mitigation strategies but reflects the draw of the Suffolk sites, the spatial distribution of current housing relative to the sites and also slightly varying methods used to calculate zones of influence in different parts of the country. Natural England's 2024 review of SANG and SAMM (Strategic Access Management and Monitoring) projects **[B23]** identifies that the 75th percentile method used to calculate the zone of influence for the Suffolk Coast RAMS is the method most commonly used and has become the industry standard approach. It originated through work at the Dorset Heaths and Thames Basin Heaths and now has been rolled out at other sites including Cannock Chase (generating a zone of influence of 15km), Ashdown Forest (generating a zone of influence of 7km), Epping Forest (generating a zone of influence of 6.2km) and the Solent (generating a zone of influence of 5.6km). The slightly larger zone of influence for the Suffolk coast designated sites than seen in some other parts of the country is due to their primarily coastal nature containing a distinct set of habitats which provide a unique draw for visitors, coupled with the distribution of existing house in the county, and the lack of largescale habitats of similar high quality available for recreation inland to the west of East Suffolk.

- 4.4 All planning applications for residential development within the 13km ZOI must be subject to HRA prior to approval. The Councils have a template Habitats Regulations Assessment document **[B12]** used to consider and inform the decision-making process, specifically where it is intending to consent a development. The template was developed with Natural England, and for developments greater than 50 dwellings it identifies the need for developments to deliver well-designed open space/green infrastructure, based on SANG guidance, alongside making a financial contribution to the Suffolk Coast RAMS.

4.5 In order to provide a strategic mechanism to mitigate the identified in-combination recreational disturbance impact arising from new residential development within 13km of European designated sites, the four Local Planning Authorities (East Suffolk Council, Ipswich Borough Council and Babergh and Mid Suffolk District Councils), have developed the Suffolk Coast RAMS. This provides developers with the opportunity to make a financial contribution (based on a per dwelling tariff) to strategic measures to mitigate in-combination recreational disturbance impacts, in addition to any onsite measures identified as necessary through project level HRAs. The strategy is now being implemented across the four council areas to provide a strategic approach to mitigate the identified impacts on European designated sites.

4.6 Financial contributions to the Suffolk Coast RAMS and the mitigation required are calculated based on development in the adopted Local Plans for each authority. Developments exceeding this are unplanned additional housing and therefore must be assessed for additional effects as part of project level HRAs at the planning application stage. This is particularly relevant for the application site as the proposal is for up to 660 dwellings, 61 above the 599 dwellings for which the site is allocated in the combined Local Plan policies (449 dwellings in IBC policy ISPA4 and 150 dwellings in ESC policy SCLP12.24).

5. The application site and proximity to European designated sites

5.1 The application site is located within the 13km zone of influence of the following European designated sites:

- Stour and Orwell Estuaries Special Protection Area (SPA)
- Stour and Orwell Estuaries Ramsar Site
- Sandlings SPA
- Deben Estuary SPA
- Deben Estuary Ramsar Site

6. Application Information to inform Habitats Regulations Assessment (HRA) Report

6.1 As part of the planning application an Information to inform Habitats Regulations Assessment report was submitted [AD30/B11]. The report identifies the European designated sites within 13km of the application site. Section 4 of the report considers the potential adverse effects of the development on the integrity of the identified European designated sites. It concludes that, subject to the implementation of the identified mitigation measures, the development “*will have no adverse effect on the integrity of the Stour and Orwell Estuaries SPA and Ramsar sites, Deben Estuaries SPA and Ramsar sites or Sandlings SPA*” (para. 4.34). Paragraph 4.27 of the report identifies the mitigation measures considered necessary to address adverse impacts on the integrity of the identified European designated sites. In addition to the appropriate financial contribution to the Suffolk Coast RAMS, as recognised in para. 4.28, the following mitigation measures are proposed:

1. The 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.

2. Recreational routes on site link to the extensive network of PROWs to the north and east of the Site. Three potential off-site circular walking routes are provided (plus an extended option for Walking Route 1), ranging from 2.1km to 4.3km (Appendix E). These routes connect the Site to the wider countryside in the Fynn Valley, including the recognised Fynn Valley Walk and Three Circular Walks, and will provide a recreational destination when supported by signage and information leaflets delivered to local residents. Quiet Lanes represent c. 1.3% and c. 7% of off-site Walking Routes 3 and 2 respectively, with these lanes already being used to connect PROW walking routes.

Walking Route 1 requires a Quiet Lane for c. 32% of the route, with the extended option requiring c. 22%.

3. The recreational routes on site will provide improved accessibility to PRowS for existing local residents, particularly for those living on Humber Doucy Lane, Inverness Road, Sherborne Avenue and Sidegate Lane. There is currently no footway along the northern end of Humber Doucy Lane that enables safe access from these areas to the PRow off Tuddenham Road (Appendix F). Residents from these areas will be able to use on-site recreational routes to safely access this PRow.

7. Consideration of Application

Policy requirement for Suitable Alternative Natural Greenspace (SANG)

- 7.1 Ipswich Borough Council Local Plan policy ISPA4 (f)(iii) **[DP1]**, which allocates the bulk of the site for development, states that this development will be required to deliver SANG as part of its design, in order to address Habitat Regulations mitigation requirements. It is acknowledged that there is no equivalent specific requirement for SANG delivery in the East Suffolk Council Local Plan policy (SCLP12.24) **[DP2]** which allocates the portion of the site within East Suffolk, although the policy does require the development to provide a contribution to the creation of a 'green trail' around Ipswich and provision of on-site open space.
- 7.2 The IBC policy does not specify a quantum for the area of SANG required to be delivered by the development. However, Natural England's guidance on SANG provision **[B21]**, which was originally published in relation to the Thames Basin Heaths but is also advocated for consideration in developments elsewhere in the country, states SANG area should be calculated on the basis of 8Ha per 1,000 people. A Natural England review **[B23]** of SANG/SAMM schemes from throughout the country identified that most LPAs use a requirement of 8Ha per 1,000 head of population to calculate a minimum SANG quantum. This calculation is also included in East Suffolk Council's Healthy Environments Supplementary Planning Document (para. 2.70) **[SPD6]** as the expected starting point for calculating SANG requirements in East Suffolk. Whilst the SPD was not adopted until after this planning application had been determined, it had been published for public consultation as identified in the ESC Officer's Report (para. 5.65) **[DD3]**. It was subsequently adopted by East Suffolk Council on 12th June 2024 and forms a consideration for the determination of this appeal.
- 7.3 The development proposes up to 660 dwellings which would generate a SANG quantum requirement of 12.67Ha (at 2.4 residents per dwelling). The combined Local Plan policies allocate the site for 599 dwellings, which would generate a SANG quantum requirement of 11.5Ha.

7.4 As set out in section 6 above, the Information to inform Habitats Regulations Assessment report submitted with the application concluded that c.11.5Ha of onsite open space and green infrastructure was adequate for HRA mitigation purposes, in-combination with the other identified measures including connections and improvements to the wider existing Public Rights of Way (PRoW) network and a financial contribution to the Suffolk Coast RAMS.

Assessment of the Planning Application

7.5 In considering the likely impacts of the proposed development on European designated sites the information available as part of the Local Plan HRAs, information from the Suffolk Coast RAMS, information published by Natural England (European designated sites Conservation Objectives and MAGIC Map³) and information provided as part of the application have been reviewed. The Councils then undertook a Habitats Regulations Assessment (HRA) [DD1] to inform the determination of the application.

7.6 The Councils' HRA concluded that a likely significant effect (LSE) pathway existed between the proposed development and the European designated sites identified in section 5 above, as a result of increased recreational disturbance as a result of the development in-combination with other residential developments allocated on the relevant Local Plans. This matter was therefore considered through Appropriate Assessment.

7.7 The Council's Appropriate Assessment concluded that, whilst the principle of the recreational disturbance mitigation measures proposed by the applicant in their Information to inform HRA report was in line with what would be expected from such a development, there was uncertainty over whether the quoted area of SANG (c.11.5Ha) to be delivered as part of the development was achievable. With regard to the quantum proposed, although the area of onsite SANG stated in the Information to inform HRA report (c.11.5Ha) was 9.23% below the 12.67Ha which the 8Ha per

³ <https://magic.defra.gov.uk/MagicMap.aspx>

1,000 people ratio calculates for a development of 660 dwellings, the Councils considered it an adequate minimum amount given other mitigation measures proposed (including the connections and improvements to the local PRow network). As set out in paragraph 7.3 above, the allocated number of dwellings (599) for the site would generate a total SANG quantum requirement of 11.5Ha, based on 2.4 people per dwelling and 8Ha of SANG per 1,000 people. Adjusted to allow for the same additional mitigation measures recognised above, the 11.5Ha quantum would reduce to 10.44Ha for the allocated 599 dwellings using the following calculation:

- Total SANG quantum requirement for allocated 599 dwellings: **11.5Ha** (599 dwellings x 2.4 people per dwelling = 1,437.6 people. SANG at 8Ha/1,000 people = $(1,437.6/1,000) \times 8 = 11.5$)
- Reduced SANG quantum proportion accepted on appeal scheme due to other mitigation measures: **9.23%** (total SANG requirement for 660 dwellings = 12.67Ha. SANG proposed in appeal scheme = 11.5Ha = 90.77% of total required).
- 90.77% of 11.5Ha (599 dwelling total SANG requirement) = 10.44Ha.
- Reduced SANG requirement on 599 dwelling scheme due to other mitigation measures: **10.44Ha**

7.8 The above calculation also supports the land budgeting exercise detailed in Lisa Evan's proof of evidence.

7.9 Whilst it was acknowledged that this was an Outline application and therefore matters of detailed design were reserved, from the information provided to date it was 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 wouldn't be deliverable. The c.11.5Ha area quoted was also understood to include the isolated land parcel to the west of the main site (Figure 1 below). In various application documents this area was referenced as forming part of the public open space for the development and is shown as such on the Green and Blue Infrastructure Parameter Plan (HDL-PRP-XX-XX-DR-A-08202 REV. P02) **[AD2(3)]**.

However, given that it is physically disconnected from the proposed residential areas and that it contains existing habitats of biodiversity value, it was not considered that it should form part of the public open space for the development. The Appropriate Assessment therefore concluded that it could not be determined that the proposed development would not result in an adverse effect on the integrity of the European designated sites set out in section 5 above.

7.10 The Councils consider that it is important to highlight that the precautionary principle is embedded in the Appropriate Assessment integrity test. It is not for the Councils (as competent authorities) to show harm to the designated sites in order to refuse the planning application. Rather they must ascertain that there would be no harm as a result of the proposed development before granting the planning permission.

7.11 Natural England provided a consultation response on the planning application (their letter of 26th April 2024 [B16] stating that, unless the mitigation measures set out in the Information to inform HRA report were secured as part of the planning permission, they considered that the development would result in adverse effects on the integrity of the European designated sites identified in section 5 above. Their letter included in its summary that *“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.”.*

7.12 However, the section of the letter dealing with the detail on recreational disturbance and the provision of green infrastructure goes on to state: *“The SANG proposed (as detailed in the SHRA report) includes:*

- 11.5ha of open space and green infrastructure
- 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

Natural England's advice is that your authority secure these measures, through a suitable obligation or legal requirement, as part of the Outline planning consent. Furthermore, your authority should give consideration as to how the design of the SANGS, in line with the measures outlined in the SHRA, will also be secured."

7.13 There therefore appears to be a discrepancy between different parts of Natural England's consultation response in terms of the hectarage of SANG which it considers needs to be secured in order to make the development acceptable in HRA terms. The Councils have therefore sought clarity on this from Natural England, as the quantum of SANG required from the development and its ability to be appropriately delivered is at the heart of this reason for refusal. Natural England have subsequently provided the additional advice below on this matter (e-mail from Alice Canning-Tye of 27th November 2024, copy in Appendix 2) **[B17]**:

"The 10ha is a reference to our [green infrastructure \(GI\) standards](#) which states that a medium sized neighbourhood natural greenspace of 10ha should be accessible within 1km of a development (please see appendix 2 for the size proximity criteria). Please note that this is a minimum of what is required.

In the body of our advice letter we go on to advise that the full 11.5ha, along with additional details, is secured. We note that since our response, your authority has

adopted the Healthy Environments SPD which specifies a guidance figure for SANG provision using 8hectares of SANG per 1,000 people.”.

7.14 It is therefore understood by the Councils that Natural England advise that the c.11.5Ha of SANG identified in the information to inform HRA report is required to be delivered to be able to conclude that the proposed development will not result in an adverse effect on European designated sites as a result of increased recreational disturbance pressures, rather than the 10Ha quoted in the summary of their original letter. Natural England’s Green Infrastructure Standards⁴ are part of a national set of green infrastructure guidance intended to “*define what good green infrastructure ‘looks like’ for local planners, developers, parks and greenspace managers and communities*”. Whilst they share a number of common points with SANG provision, as SANG provides mitigation for impacts on European designated sites, where it sets a more onerous standard, the Councils consider that it is SANG standards which take priority.

Proposed onsite SANG/Public Open Space Quantum/Quality issues

7.15 The Information to inform HRA report submitted with the application concluded that the delivery of c.11.5Ha of onsite open space and green infrastructure would, in combination with the other measures identified in the report, provide adequate mitigation to address recreational disturbance impacts on European designated sites. Despite the slight shortfall between the proposed c.11.5Ha and the SANG quantum calculation figure of 12.67Ha, the Councils do not consider that 11.5Ha of SANG is in itself an issue, as additional mitigation measures are proposed to address recreational disturbance impacts (as set out in section 6 above). However, as identified in the Councils’ HRA of the application, it is considered that this quantum of open space of sufficient quality to be adequate as mitigation land is not deliverable within the confines of the submitted parameter plans. There are three reasons for this.

⁴ <https://designatedsites.naturalengland.org.uk/GreenInfrastructure/GIStandards.aspx> (accessed 10/12/2024).

7.16 Firstly, it is unclear whether the c.11.5Ha quoted in the Information to inform HRA report includes the area of land of approximately 0.35Ha to the west of the main site. It is shown as such on the Green and Blue Infrastructure Parameter Plan (HDL-PRP-XX-XX-DR-A-08202 REV. P02) **[AD2(3)]** as an area of public open space (area identified on an extract from the plan shown in Figure 1 below), but does not appear to be included in the Open Space Typology chapter (page 114) of the DAS **[AD16]**. On the assumption, based on the Green and Blue Infrastructure Parameter Plan, whilst it is acknowledged that this piece of land is included within the allocation in IBC policy ISPA4, the Councils do not consider that it is appropriate for use as an area of public open space. It is disconnected from the main development site, to access it from the closest point would require walking along approximately 50m of Tuddenham Road with no pavement, including crossing the entrance to Humber Doucy Lane. This is not considered to be a safe or attractive route to encourage residents of the development to use. This land is currently comprised predominantly of trees and scrub, much of the scrub would require removal to allow use as public open space, which would reduce its biodiversity value. A protected species has also been recorded on site (Ecological Impact Assessment, May 2024 **[B4]**), the Councils consider that use of such a small area as public open space would likely result in an adverse impact on this species.



Figure 1. Extract from Green and Blue Infrastructure Parameter Plan **[AD2(3)]** with land west of the main site ringed in blue.

7.17 Secondly, whilst the Information to inform Habitats Regulations Assessment report relies on the development delivering c.11.5Ha of onsite open space as mitigation for recreational disturbance impacts to conclude no adverse effect on the integrity of European designated sites, the LPAs consider that not all of the open space typologies to be delivered can count for this purpose. Table 9 in Chapter 7.1 Open Space Typology (page 114) of the Design and Access Statement **[AD16]**, reproduced below, provides the breakdown of open space typologies proposed to be provided (against the requirements in Ipswich Borough Council local policy). Of these, the LPAs consider that 'Natural and Semi Natural Green Space' is the primary typology that reflects the open space that is required to deliver the necessary SANG mitigation. It should be noted that the quantum standard set by local plan policy for delivery of the natural and semi-natural greenspace typology is not based on that typology being used as SANG. Policy sets the starting quantum calculation for open space typologies in all relevant residential developments in the plan area irrespective of whether they are required to deliver SANG or not, where SANG provision is required this is then an additional consideration and calculation beyond the basic natural and semi-natural greenspace typology calculation. As can be seen from the table, the development is only proposing to provided 9.56Ha of this type of open space, which is 1.94Ha (approximately 16.9%) less than the c.11.5Ha proposed in the Information to inform HRA report, and in itself is a figure which is not considered to be deliverable for the reasons set out in paragraph 7.13 above. Notwithstanding the concerns set out below in relation to other uses required within areas of natural and semi-natural green space, the highest achievable quantum of 9.21Ha is considered to be significantly less than is necessary to provide adequate mitigation for recreational disturbance impacts on European designated sites.

Table 9: Ipswich Standards for the Provision of Open Space, Sports and Recreational Facilities

Accessible Open Space	Standard (ha per 1000)	Requirement for 660 dwellings (ha)	Provided (ha)	Surplus / deficit
Provision for Children's Playspace	0.08	0.13	0.13	n/a
Provision for Young People	0.04	0.06	0.08	+0.02
Parks & Gardens	1.16	1.84	0.80	-1.04
Amenity Green Space	0.48	0.76	0.87	+0.11
Natural and Semi Natural Green Space	1.53	2.42	9.56	+7.14
Total		5.21	11.44	+6.23

- Based on 2.4 occupants per house

Figure 2. Open Space Typology Table from Chapter 7.1 of the Design and Access Statement [AD16].

7.18 Finally, as set out in the reason for refusal on this matter, the Councils are concerned that even the 9.56Ha of Natural and Semi Natural Green Space stated in the above Table will not be able to be delivered in its entirety in an adequate form and quality to function as SANG. In order to perform its function, SANG must be sufficiently attractive and accessible, in order to facilitate regular recreational visits arising from the development is avoided. Table 15 in ESC's Healthy Environments SPD sets out expected design quality for SANG for different scales of development. The first Essential criterion for development of the scale proposed (Tier 2 – Over 150 homes) is that the SANG is comprised of *“High-quality, informal natural/semi-natural greenspace areas populated with naturalised, diverse and layered planting and landscaping.”*. See also paragraphs 7.5 to 7.24 of Ruth Chittock's proof of evidence for further discussion on this matter. The Councils are concerned that, as shown on a number of the plans submitted in the application, including the Green and Blue Infrastructure Parameter Plan [AD2(3)], multiple drainage attenuation basins (SUDS basins) and strategic swales are proposed throughout the open space areas that are required as SANG on the site and that these will compromise this design requirement if delivered in their currently proposed form. From the Proposed Surface Water Drainage Strategy drawing (drawing no. 890695-RSK-ZZ-XX-DR-C-0007 Rev. P02)

[APD1], the total areas for SUDS basins and strategic swales across the site are 1.07Ha and 1.18Ha respectively (2.25Ha in total). It is also understood that the area of basins proposed may need to increase further in order to satisfy the surface water drainage requirements of the Lead Local Flood Authority.

7.19 Policy SCLP9.6 (Sustainable Drainage Systems) of the East Suffolk Local Plan requires SUDS to be integrated into the landscaping scheme and green infrastructure provision of the development and to contribute to the design quality of the scheme. Paragraph 2.184 of the ESC Healthy Environments SPD states that *“Sustainable drainage systems (SuDS) can be incorporated into SANGs where this does not conflict with the SANG’s recreational function.”* Whilst it is therefore acknowledged that in some circumstances attenuation basins can be designed to also function as useable recreational space with SANG areas, it is clear that they require careful design and integration into the site landscape to ensure that they are both accessible safely by different user groups and are useable for the majority of the year. If it cannot be adequately demonstrated that this is achievable in an acceptable form at the earliest stage of designing a site land use layout, then the Councils consider that drainage basin and strategic swale areas cannot be relied upon to contribute to the required SANG quantum. Section 6 of the proof of evidence of Ruth Chittock sets out in more detail why the accessibility implications of the gradients currently proposed for the attenuation basins (which are 1 in 4 in places) mean they would likely not be suitable for inclusion within the SANG requirement.

7.20 The Healthy Environments SPD also identifies that *“The integration of play provision (equipped areas of play for children or Youth/Casual provision) into SANG areas is desirable for all tiers, where the design is appropriate for the natural setting”* but that it *“is not essential as it may be of more value for it to be located elsewhere within the development site”* (paragraph 2.207). This makes it clear that whilst at least some of the play space quantum needed to be delivered by the development could be located in the SANG area, in order to meet SANG design requirements it would need to be of high quality, *“using durable natural materials and respond aesthetically to the natural setting”* (SPD paragraph 2.208). It is not considered appropriate to deliver all of the

required play space in the SANG area if it cannot be guaranteed that this quality requirement can be met.

7.21 In addition to Essential SANG design criteria, Table 15 of the Healthy Environments SPD also includes Desirable design criteria. These include that SANG is “*designed to support ‘nature immersion’ experiences through natural environments and sensory separation from wider urban environment*”. Paragraphs 2.204 to 2.206 of the SPD provide further guidance on this matter, including that “*SANG should have the feeling of a high-quality natural area and should be desirable to spend time in*” and that “*SANG should be immersive*”. The presence of a large amount of drainage infrastructure not wholly suitable for recreational use, along with other built infrastructure including road crossings and pumping stations, within areas of SANG will mean that the necessary quality and experience cannot be achieved in all parts of the proposed SANG area. This will result in the SANG not being able to adequately perform its necessary function of providing a suitable area for recreational users away from European designated sites. This in turn will result in increased recreational disturbance pressures on these sites, contribution to adverse effects on their integrity contrary to the requirements of regulation 63(5) of the Conservation of Habitats and Species Regulations (2017) (as amended).

8. Conclusion

- 8.1 The Conservation of Habitats and Species Regulations (2017) (as amended) requires that the alone and in-combination impacts of new developments on European designated sites are assessed. This is undertaken through a Habitats Regulations Assessment (HRA).
- 8.2 An Information to inform HRA report was submitted with the planning application. This report concluded that a package of measures were required to mitigate the recreational disturbance impacts of the development on European designated sites. This included the provision of c.11.5Ha of open space and green infrastructure on the development site.
- 8.3 As set out in this Proof, whilst the Councils (as competent authorities) considered that the principle of the mitigation measures proposed were acceptable, they did not consider that the c.11.5Ha of open space proposed by the scheme could be delivered to the quantum and quality required for SANG. It is therefore considered that it cannot be concluded that there will be no Adverse Effect on the Integrity of the Stour and Orwell Estuaries Special Protection Area (SPA), Stour and Orwell Estuaries Ramsar Site, Sandlings SPA, Deben Estuary SPA and Deben Estuary Ramsar Site based on the mitigation measures presented.

Appendix 1. LPAs consideration of supplementary ecological reports

Humber Doucy Lane Appeal (APP/R3515/W/24/3350674 & APP/X3540/W/24/3350673) – Additional Ecological Comments (November 2024)

These comments are made following the receipt of supplementary ecological reports from the appellant on 6th November 2024, provided in relation to Ipswich Borough Council Reason for Refusal 6 (East Suffolk Council Reason for Refusal 5).

1) Ecology Reason for Refusal (Ipswich Borough Council Reason 6 and East Suffolk Council Reason 5)

Ipswich Borough Council Reason for Refusal 6 (East Suffolk Council Reason for Refusal 5) included that the submitted planning application contained “*insufficient ecological information on European Protected species (bats, dormouse, Great Crested Newt), Protected species (reptiles), Ancient/veteran tree and Priority species (farmland birds).*”. The absence of this information, and its need to inform the final assessment of the ecological impacts of the proposed development, was recognised in the Ecological Impact Assessment (EcIA) (CSA Environmental, March 2024) submitted as part of the application.

Both national and local planning policy (NPPF paragraph 186 and local plan policies Ipswich Borough Council DM8 (The Natural Environment) and East Suffolk Council SCLP10.1 ((Biodiversity and Geodiversity)) is clear that the potential ecological impacts of a proposed development and the need for any necessary avoidance, mitigation and/or compensation measures, must be understood by the Local Planning Authority when determining a planning application. Paragraph 98 of ODPM Circular 06/2005 (Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System) states that “*The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.*”. Paragraph 99 of the Circular goes on to state that “*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*”. In determining planning applications Local Planning Authorities must also adhere to the “general biodiversity objective” imposed through Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) (as amended), including consideration of species of principal importance for the purpose of conserving or enhancing biodiversity (UK Priority species) in accordance with Section 41 of the Act.

As recognised in the reason for refusal, the ecological information missing from the application at the time it was determined related to protected and UK Priority species. The absence of this information meant that the Local Planning Authorities were unable to fully consider the likely impacts of the proposed development on these species, as required by legislation, national planning policy and local planning policy. The inclusion of this matter as part of a reason for refusal is therefore considered justified.

2) Supplementary Ecological Reports

As part of the appeal process the appellant has submitted the following supplementary ecological reports:

- Ecological Impact Assessment (EclA) (Rev. C) (CSA Environmental, May 2024) – as Appellant Statement of Case Appendix 4;
- Supplementary Ecology Report – Dormouse (CSA Environmental, November 2024) – submitted on 6th November 2024;
- Supplementary Ecology Report – Bats (CSA Environmental, November 2024) – submitted on 6th November 2024;
- Supplementary Ecology Report – Great Crested Newt (CSA Environmental, November 2024) – submitted on 6th November 2024; and
- Supplementary Ecology Report – Birds (CSA Environmental, November 2024) – submitted on 6th November 2024.

3) Local Planning Authorities' comments on the submitted supplementary ecological information

Taken together the reports listed in section 2 (above) are considered by the Local Planning Authorities to now provide the necessary ecological information which was outstanding at the time of the determination of the application, and which is referred to in the reason for refusal. The reports have identified that the application site is of County importance for commuting and foraging bats, that the site supports an assemblage of breeding birds including UK Priority species, that ponds supporting great crested newts are present within 250m of the site and that hazel dormice are likely absent from the site. The May 2024 EclA confirmed that the assessment has included consideration of ancient/veteran trees including on the separate parcel of the site to the west of Humber Doucy Lane.

The completion of the ecological survey work has altered the understanding of the protected and UK Priority species from that presented in the Ecological Impact Assessment which was submitted with the planning application. In particular, great crested newts have now been recorded in ponds within 250m and 500m of the site, where previously the ecological consultant had considered them absent, and the site's importance for foraging and commuting bats has increased from 'Local' importance to 'County' importance. Also, skylark (a UK Priority species) have been now recorded nesting on the site. Had the application been approved in the absence of the complete suite ecological survey information it would not have been possible to secure all of the avoidance, mitigation and compensation measures necessary to ensure that the development does not result in significant adverse impacts on protected and/or UK Priority species. Also, had the final surveys recorded the presence of other protected species, such as hazel dormouse, additional avoidance, mitigation and compensation measures would have been required which do not form part of the submitted scheme. This may have included the need to consider the need for Natural England mitigation licensing as part of the development.

The Local Planning Authorities maintain that the inclusion of reference to insufficient ecological survey information in the original reason for refusal was correct, but this has now been addressed by the suite of subsequently submitted information.

4) Recommended additional ecological planning conditions and Section 106 requirements

It is recommended that the following conditions are required to secure the necessary avoidance, mitigation and compensation measures for protected and/or UK Priority species. Securing the implementation and monitoring of offsite skylark compensation measures (ideally skylark plots or similar) will also be required, likely as part of the Section 106 agreement.

- 1) No development shall take place (including any demolition, ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities, including those in relation to great crested newts, breeding birds and bats.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that ecological receptors are adequately protected as part of the development.

- 2) No development shall take place (including any demolition, ground works or vegetation clearance) until a method statement for reptiles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
 - a) purpose and objectives for the proposed works;

- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure that ecological receptors are adequately protected as part of the development.

- 3) Commensurate with each Reserved Matters application, a “lighting design strategy for biodiversity” for the development covered by that application shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Reason: To ensure that impacts on ecological receptors from external lighting are prevented.

- 4) A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first 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 organisation 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 ensure that the long-term ecological value of the site is maintained and enhanced.

- 5) Commensurate with each Reserved Matters application an Ecological Enhancement Strategy for the development proposed under that application, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

- 6) If the any phase of the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, the approved ecological measures secured through Conditions X [UPDATE TO REFLECT FINAL CONDITION NUMBERS] shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of protected and/or UK Priority species and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant phase of the development. Works will then be

carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that ecological mitigation measures are appropriately delivered based on up-to-date evidence.

In addition to the above, it is also recommended that the following planning conditions would be required to secure mandatory Biodiversity Gain as part of the development, in addition to the standard Biodiversity Gain pre-commencement condition applied by paragraph 13 of Schedule 7A of the Town and Country Planning Act (1990). The Section 106 agreement for the development would also need to secure the long term management and monitoring of the habitats which are significant for the delivery of the mandatory Biodiversity Gain requirement.

- 1) The Overall Biodiversity Gain Plan and subsequent Biodiversity Gain Plans for each phase of the development submitted to discharge the pre-commencement Biodiversity Gain condition shall be prepared in accordance with the Biodiversity Net Gain Assessment: Design Stage report (CSA Environmental, March 2024).

Reason: To ensure that the Overall Biodiversity Gain Plan and Biodiversity Gain Plans for each phase of the development are in accordance with the Biodiversity Gain information submitted with this application.

- 2) The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the Overall Biodiversity Gain Plan and including:
 - a non-technical summary;
 - the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a minimum period of 30 years from the completion of development; and
 - the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

has been submitted to, and approved in writing by, the local planning authority. The created and/or enhanced habitat specified in the approved HMMP shall be implemented, retained, managed and monitored in accordance with the approved HMMP for a minimum of 30 years.

Reason: To ensure that habitats created or enhanced to meet the Biodiversity Gain objective are appropriately managed and monitored for a minimum of 30 years in accordance with the requirements of the Environment Act (2021).

James Meyer MCIEEM
Principal Ecologist
East Suffolk Council

14th November 2024

Appendix 2. Natural England e-mail correspondence of 27th November 2024 [B17]

From: Canning Tye, Alice <[REDACTED]>
Sent: 27 November 2024 16:11
To: James Meyer
Cc: Ben Woolnough; Lisa Evans; Eleanor Attwood; Elizabeth Dubbeld; KColeman <[REDACTED]>
Subject: RE: Land at Humber Doucy Lane, Ipswich (Planning App Refs. 24/00172/OUTFL and DC/24/0771/OUT) Appeal - HRA Mitigation Measures

Dear James,

Thank you for getting in touch. The 10ha is a reference to our [green infrastructure \(GI\) standards](#) which states that a medium sized neighbourhood natural greenspace of 10ha should be accessible within 1km of a development (please see appendix 2 for the size proximity criteria). Please note that this is a minimum of what is required.

In the body of our advice letter we go on to advise that the full 11.5ha, along with additional details, is secured. We note that since our response, your authority has adopted the Healthy Environments SPD which specifies a guidance figure for SANG provision using 8hectares of SANG per 1,000 people.

I hope this is of help.

Kind regards,

Alice Canning Tye (she/her)
Higher Officer, Sustainable Development, Norfolk and Suffolk Area Team
Natural England, Dragonfly House, 2 Gilders Way, Norwich, Norfolk, NR31UB

www.gov.uk/natural-england



From: James Meyer <[REDACTED]>
Sent: 27 November 2024 12:08
To: Canning Tye, Alice <[REDACTED]>
Cc: Ben Woolnough <[REDACTED]>; Lisa Evans <[REDACTED]>; Eleanor Attwood <[REDACTED]>; Elizabeth Dubbeld <[REDACTED]>; KColeman <[REDACTED]>
Subject: Land at Humber Doucy Lane, Ipswich (Planning App Refs. 24/00172/OUTFL and DC/24/0771/OUT) Appeal - HRA Mitigation Measures

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Alice,

As you may be aware the planning applications (IBC and ESC planning refs. 24/00172/OUTFL and DC/24/0771/OUT) for the proposed development at this site were refused and that decision is now being

appealed (appeal refs. APP/R3515/W/24/3350674 & APP/X3540/W/24/3350673). One of the reasons for refusal relates to the necessary onsite Habitats Regulations Assessment mitigation measures (provision of public open space/SANG) and whether these are able to be delivered adequately.

In the summary section of Natural England's consultation response to the planning application (your letter of 26th April 2024, your ref. 471920), a reference is made to a "*minimum 10ha area of suitable alternative natural greenspace*" being required as part of the development to mitigate recreational disturbance impacts on European designated sites. However, it is unclear where this figure is derived from as it is not a number included in the applicant's Information to inform Habitats Regulations Assessment report (which states that 11.5ha of open space and green infrastructure), nor is it included in the either of the allocation Local Plan policies for the site or any Supplementary Planning Documents which the LPAs have adopted (including ESC's Healthy Environments SPD). Given the reason for refusal on this matter, it would assist the appeal process if you were able to clarify where the 10Ha figure is derived from and what it is based on please?

Both the LPAs and appellant's team are currently working on their proofs of evidence and statements of common ground so please note that the appellant's agent is copied in to this e-mail so that both sides are aware of the answer to this query.

Kind regards

James

James Meyer BSc (Hons) MCIEEM | Principal Ecologist
East Suffolk Council

[REDACTED] | [REDACTED]

He/Him

www.eastsuffolk.gov.uk

www.eastsuffolkmeansbusiness.co.uk



Confidentiality: This email and its attachments are intended for the above named only and may be confidential. If they have come to you in error you must take no action based on them, nor must you copy or show them to anyone; please reply to this email and highlight the error.

Security Warning: Please note that this email has been created in the knowledge that Internet email is not a 100% secure communications medium. We advise that you understand and accept this lack of security when emailing us.

Viruses: Although we have taken steps to ensure that this email and attachments are free from any virus, we advise that in keeping with good computing practice the recipient should ensure they are actually virus free.

This message has been scanned for malware by Barracuda Email Gateway Defense.

www.barracuda.com

This message has been sent using TLS 1.2 This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within the Natural England systems, we can accept no responsibility once it has left our systems. Communications on Natural England systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.