

# Rebuttal Proof of Evidence (Ecology)

Of

**Dr Aidan Marsh**

BSc PhD CEnv CEcol MCIEEM

**January 2025**

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

LPA Refs: 24/00172/OUTFL  
& DC/24/0771/OUT

Pins Ref: APP/X3540/W/24/3350673

On behalf of  
Barratt David Wilson & Hopkins Homes

Report No: CSA/6675/15

## **1.0 INTRODUCTION**

- 1.1 My name is Dr Aidan Marsh. I am Ecological Director at CSA Environmental (henceforth referred to as CSA. My full credentials are available in my main Proof of Evidence. The evidence I have prepared and provide for this appeal (APP/X3540/W/24/3350673) and the opinions expressed are my true and professional opinions.
- 1.2 This Rebuttal Proof of Evidence has been prepared in response to the evidence submitted by James Meyer, on behalf of Ipswich Borough Council (IBC) and East Suffolk Council's (ESC).
- 1.3 Specifically, this rebuttal addresses points relating to the topic of Habitat Regulations Assessment as discussed in sections 3 to 8 of Mr Meyer's Proof of Evidence.
- 1.4 Where I do not respond to a particular section of Mr Meyer's Proof of Evidence or other matters raised within it, this is not an indication that I accept the points made. A response has been provided only where it is judged helpful to do so in writing in advance of the inquiry.

## 2.0 HABITATS REGULATIONS ASSESSMENT

- 2.1 In the following rebuttal, I provide concise responses to matters raised in respect of Habitats Regulation Assessment. Where appropriate I provide references to where the subjects are dealt with in my main evidence.
- 2.2 In paragraph 3.10 of his proof, Mr Meyer states that *"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"*. It is important to note that I dispute this assertion that SANG standards must be applied. As I set out in paragraphs 7.9 to 7.11 of my proof, supplementary planning document advice, council website information and HRA record sheets do not make it a necessity of mitigation to directly meet Suitable Alternative Natural Greenspace (SANGS) standards on-site. Rather, there is broader reference to open space and green infrastructure and Natural England's advice (**B12**) states that SANGS guidance "can be helpful" in designing space/green infrastructure, rather than asserting that open-space design must, necessarily, tightly accord with every aspect of the guidance produced for the Thames Basin Heaths SPA.
- 2.3 In paragraph 3.10 of his proof, Mr Meyer also states that *"...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)"*. Whilst this SPD was not adopted until after the planning application was determined it is acknowledged this guidance is relevant to the determination of this appeal, alongside the Ipswich Borough Council SPD (**SPD1.2**) and guidance from Natural England (**B12**). It is noted that the ESC Healthy Environments SPD (**SPD6**) discusses the origin of any expected SANG provision at paragraphs 2.163 to 2.167 and specifically at 2.167 Mr Meyer asserts the use of the term 'SANG' over other green space

terminology. Referring back to my comments above in paragraph 2.2, I still consider that when providing greenspace measures to protect European Sites in this area, and taking account of the various local guidance on this matter, it is reasonable to assume there is flexibility, beyond the very specific SANG guidance applicable to Thames Basin Heaths SPA. The important thing is the functional effectiveness of the measures in attracting recreational use, as opposed to strict adherence to specific SANG guidelines.

2.4 Picking up on the topic of flexibility, in paragraph 7.2 Mr Meyer states that "*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*". The document however includes many examples of where SANG-equivalent requirements are applied flexibility or at a reduced rate. These examples include the following:

- For the Epping Forest Special Area of Conservation (SAC) "*...a toolbox approach where delivery of traditional SANG at the 8ha/1,000 population standard is not possible*" (pages 85 & 86).
- In Norfolk, the Green Infrastructure Recreation Avoidance Mitigation Strategy (GIRAMS) seeks adequate provision of green infrastructure equating to a minimum of 2ha/1000 population and this should also reflect Natural England's Accessible Greenspace Standard (page 170).
- Several authorities which require SANG-equivalent mitigation do not apply any SANG quantum standard at all, including the Wirral (pages 130 and 131), the Solent (pages 207 and 208) and the South Pennines (pages 236, 237 and 247).
- Notably even in the Thames Basin Heath area, where the 8ha standard was established, a reduced quantum (2ha/1000 population) is cited for peripheral areas at 5km to 7km from the European Site).

2.5 I note that in paragraph 7.7 Mr Meyer concedes that that "*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 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)". No quantified explanation is provided as to why this particular quantum of "SANG" was considered adequate in this instance, in combination with other measures. However the position of the Councils correctly recognises that in judging the adequacy of on-site recreational open space for mitigation purposes it is appropriate to take into account of the existing off-site recreational opportunities, particularly where access to them is enhanced and encouraged as here (see paragraphs 7.23 – 7.28 of my PoE). This appears to be a clear acknowledgement that there is no strict requirement to adhere to the SANGS guidance produced for the Thames Basin Heaths. This would seem to accord with the Natural England advice stating such guidance 'can be helpful' in designing such spaces.*

- 2.6 Natural England stated in their consultation response (**B16**) that a "...*minimum area of 10ha of suitable alternative natural greenspace (SANGS)*" is required in order to mitigate adverse effects. As Mr Meyer states in paragraph 7.13 of his proof, additional advice was sought from Natural England (**B17**) where Natural England clarified the 10ha stated was a reference to their green infrastructure (GI) standards, going on to state that "*this is a minimum of what is required.*" Mr Meyer notes, as do I, that Natural England go on to say that "*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 8 hectares of SANG per 1,000 people*". Mr Meyer's understanding of this statement, as set out in paragraph 7.14 of his proof, is that Natural England are advising that an area of c.11.5ha of SANG is required to conclude that the proposed development will not result in an adverse effect upon European designated sites. Whilst Natural England seem happy to accept this quantum of open space they do not, to my eyes, specifically endorse 11.5ha as the 'correct' amount of greenspace provision. Furthermore, I note that Natural England do not retract their reference to their green infrastructure standards, nor their suggestion that a minimum of 10ha of such space should be provided. Whilst Natural England acknowledge the recently adopted Health Environments SPD (**SPD6**) and the guidance therein, they do

not offer any further comment on this. As discussed previously, we also know the Councils are content to act flexibly with respect to the 8ha/1000 standard that is quoted.

- 2.7 Mr Meyer questions in paragraph 7.16 of his proof *"...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"*. I have acknowledged in my proof (paragraph 7.35) that I agree that this parcel has limited accessibility and should be excluded from the natural greenspace considered to be available as mitigation at the Site. As Mr Meyer identifies, this area has already been excluded from the open space typology calculations, as set out in the Design and Access Statement (**AD16**).
- 2.8 In paragraphs 7.17 Mr Meyer states that in respect of open space typologies *"...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."* I accept that natural and semi-natural green space is the key typology for the delivery of the necessary mitigation, but as I explain in paragraph 7.36 of my proof, Natural England's definition of Green Infrastructure includes other elements including parks and gardens and amenity greenspaces. I contend that a modest component of such typologies within the overall green infrastructure provision is acceptable. Clearly the detailed design and management of such spaces can be robustly secured through condition.
- 2.9 Mr Meyer raises specific concerns in paragraph 7.18 in relation to drainage features. I refer back to my comments in paragraph 7.36-7.37 of my proof. I remain of the view that there is no inherent conflict between the inclusion of such features and their contribution towards natural greenspace and required HRA mitigation. Such features are often some of the most attractive and ecologically interesting habitats within open spaces, where subject to good design and appropriate management.
- 2.10 I note that in considering a Potential Alternative Scheme (as set out in Appendix A of Ms Evan's proof), the Councils' landscape architect identifies a larger area of SANGS and open space uses, amounting to 14.66ha, but does not seek to

specifically discount the drainage features from this total. Furthermore, whilst this alternative scheme identifies some wider buffer areas and it is implied such provision would be more acceptable, Mr Self makes the valid point in his rebuttal proof (paragraph 11) that *"If the depth of the buffer provided is that shown by the Appellant, or that shown on the Potential Alternative Scheme, prepared by Philip Russell Vick, one would not be fully emerged in nature as one would be on the edge of a major development. Nevertheless, the buffer would have a semi natural feeling and would deliver benefits for both wildlife and people."*

2.11 Finally to respond to the open space comments and figures My Meyer discusses at 7.17 to 7.20 of his proof, I conclude the following with respect to which greenspaces I consider contribute to the recreational mitigation. Further to Figure 2 of Mr Meyer's Proof and the Open Space Typology Table from the Design and Access Statement (**AD16**), the scheme is proposed to deliver 9.56ha of natural and semi-natural greenspace (Note: this is not reduced to 9.21ha as Mr Meyer appears to suggest at paragraph 7.17 of his proof because the 0.35ha outlying land parcel has already been excluded), along with 0.87ha of amenity greenspace and 0.8ha of parks and gardens. There is also a provision of 0.21ha for children's play and provision for young people. Taking the figure of 9.56ha of natural and semi-natural greenspace, adding the areas of amenity greenspace and parks and gardens, but (taking a precautionary approach) excluding the play spaces (although some may well be quite naturalistic), this leaves a figure of 11.23ha of greenspace.

2.12 I consider that 11.23ha is the area of greenspace that will contribute to recreational mitigation for the European designated sites. This exceeds the minimum figure of 10ha which I understand Natural England to find acceptable. In combination with the excellent off-site walking route options (highlighted at paragraphs 7.23-7.28 of my proof) and improved links to the wider countryside, which the Councils have acknowledged to be beneficial, I maintain that an appropriate quantum of greenspace has been provide to meet recreational mitigation requirements.

**Table 1.** Explanation of SANG and greenspace figures.

Figure Identified	Origin	Reference	Explanation
<i>SANG Calculations</i>			
12.67 ha	Proof of Mr Meyer	Para 7.3	Quantum of SANG required for 660 dwellings based on 2.4 residents per dwelling and a requirement for 8ha/1000 population
11.5 ha	Proof of Mr Meyer	Para 7.3	Quantum of SANG required for 599 dwellings based on 2.4 residents per dwelling and a requirement for 8ha/1000 population
11.5 ha	Proof of Mr Meyer	Para 7.7	Quantum of SANG accepted by the Council on the Appeal scheme for 660 dwellings based on the provision of other additional measures (a 9.23% reduction on the standard requirement)
10.44 ha	Proof of Mr Meyer	Para 7.7	Quantum of SANG required for 599 dwellings based on a reduction of 9.23%, reflecting what the Councils accepted for the 660 unit scheme
<i>Open Spaces / Greenspaces</i>			
10 ha +	Natural England Consultation	CD: B16 / B17	Minimum quantum of SANGS required, as identified in NE consultation response. Subsequent NE email clarifies that this figure is taken from NE's Green Infrastructure (GI) Standards
9.56 ha	DAS	CD: AD16	Area of natural and semi-natural greenspace proposed within Appeal scheme. This <u>excludes</u> the disconnected triangle of land to the north-west.
0.87 ha	DAS	CD: AD16	Area of amenity green space
0.80 ha	DAS	CD: AD16	Area of parks and gardens
0.21 ha	DAS	CD: AD16	Combined total for area of children's playspace and provision for young people
0.35 ha	Area A from Proof of Clive Self	Figure 1, p9	Area of disconnected natural greenspace to north-west of Appeal Site. This area is <u>not</u> included in the open space typology figures provided in the DAS
9.21 ha	Proof of Mr Meyer	Para 7.17	Assumed area of natural and semi-natural greenspace within the Scheme, further to the removal of Area A, although this is incorrect as Area A was already excluded from this calculation.
11.23 ha	Rebuttal proof of Dr Marsh	Para 2.11	Area of on-site greenspace considered by Dr Marsh to contribute to recreational mitigation



### **3.0 CONCLUSION**

- 3.1 This rebuttal proof of evidence has been provided in response to the ecology and biodiversity concerns raised in Mr Meyer's evidence, specifically in respect of Habitats Regulations Assessment.
- 3.2 I have addressed evidence submitted by Mr Meyer in relation to the application of SANG standards and explained why I believe these are not strictly applicable. I have sought to explain why I feel a broader and more flexible approach to green infrastructure provision is in line with guidance and is appropriate in this instance. I have set out and explained the open space figures identified by Mr Meyer and myself and clarified the total amount of greenspace (11.23ha) that I feel is delivered by the Appeal scheme which will mitigate for recreational impacts.
- 3.3 Mr Meyer's evidence has not altered my view that the Appeal Scheme would not result in adverse effects upon the integrity of European Sites based upon the mitigation measures set out herein.



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