

Land at Humber Doucy Lane, Ipswich

Appeals against the refusal of a planning application submitted to Ipswich Borough Council (IBC) and East Suffolk Council (ESC) for:

'Hybrid' Application for up to 660 new homes and 400 sq. m. non-residential floorspace.

IBC Reference: 24/00172/OUTFL

ESC Reference: DC/24/0771/OUT

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

Linked Case: APP/R3515/W/24/3350674

Statement of Common Ground: On-Site Ecology and BNG

between

Barratt David Wilson and Hopkins Homes

and

Ipswich Borough Council (IBC) and East Suffolk Council (ESC)

1.0 Introduction

Purpose

- 1.1 This Statement of Common Ground (SoCG) has been prepared jointly by Barratt David Wilson and Hopkins Homes (hereinafter referred to as 'the Appellants') and Ipswich Borough Council and East Suffolk Council (hereinafter referred to as 'IBC' and 'ESC' respectively, or 'the councils').
- 1.2 This Statement sets out agreed facts and the positions of the Councils and the Appellant in respect of On-site Ecology and BNG issues.

Parties

- 1.3 The SoCG is jointly agreed by:



Signed

Date: 11/12/2024

Name: **Aidan Marsh**

On behalf of Barratt David Wilson and Hopkins Homes

Signed



Date: 16/12/2024

Name: **James Mann**

On behalf of IBC

Signed



Date: 16/12/2024

Name: **Kathryn Oelman**

On behalf of ESC

IBC Reason for Refusal 6:

"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."

ESC Reason for Refusal 5:

"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 SCLP10.1 (Biodiversity and Geodiversity)."

Ecological Surveys and Reports

1. Further to the provision of additional species survey information from 2024 (Supplementary Ecology Reports CSA/6675/10, CSA/6675/11, CSA/6675/12 & CSA/6675/13) dated November 2024, in addition to the Ecological Impact Assessment report and associated appendices (CSA/6675/04C) dated May 2024 (and submitted with the Appellants Statement of Case), it is agreed that up to date ecological survey information has now been provided, which allows reasonable assessment of ecological constraints at this site.

2. It is agreed that the surveys adequately demonstrate that dormice are likely absent and present no constraint to development.
3. It is agreed that the surveys adequately demonstrate that, given the location of positive records, great crested newt are unlikely to be impacted by the proposed development and do not present a constraint to development, subject to sensitive methods of vegetation clearance in potentially suitable onsite habitat being included as part of the CEMP: Biodiversity.
4. Seasonal bat surveys at the site were started in autumn (September) 2023, with additional surveys completed in spring (May) and summer (June) 2024, as set out in an update report (CSA/6675/10) dated November 2024. These surveys encompass both static bat detector surveys and walked transects. It is agreed that the seasonal survey approach is in line with recommendations for 'low suitability' bat habitat as set out within the Bat Surveys for Professional Ecologists: Good Practice Guidance (4th Edition) (Bat Conservation Trust, 2023).
5. It is agreed that, with reference to ancient/veteran oak tree (T056), located within the separate north-west triangle of land that a ground level tree assessment for bats (and potentially further emergence survey work) should be completed if ivy needs to be removed. However, it is further agreed that as no development is proposed in this parcel, recommendations within the Arboricultural Impact Assessment are not applicable.
6. Reptile surveys have not been completed within the separate north-western triangle of land. It is acknowledged that no vegetation clearance or other development works are proposed within this area. If works were to be required within this area it is agreed that reptile surveys and/or a Precautionary Methods Statement will be required (subject to the extent and nature of the works proposed).
7. Subject to conditions to secure them, and further to the additional survey information provided, on-site mitigation measures set out within the Ecological Impact Assessment report (CSA/6675/04C) are agreed to be appropriate. Conditions should include, but are not limited to, provision for a Construction Environmental Management Plan (CEMP), Landscape and Ecology Management Plan (LEMP), Reptile Mitigation Strategy and sensitive lighting scheme.
8. Breeding bird surveys submitted in the Supplementary Ecology Report: Birds (CSA/6675/12) have identified nesting skylark on the site. It is agreed that appropriate offsite mitigation to address impacts on nesting skylark can be secured via planning condition and/or legal (S106) agreement.

Biodiversity Net Gain

9. It is agreed that the Biodiversity Net Gain Assessment: Design Stage report (CSA/6675/06) and associated Statutory Biodiversity Metric provide appropriate information on the pre-development habitat baseline.
10. It is agreed that the Biodiversity Net Gain Assessment: Design Stage report (CSA/6675/06) and associated Statutory Biodiversity Metric demonstrates that there should be no net loss of biodiversity on-site in respect of habitat units. Furthermore, the completed metric shows that a 10% net gain in hedgerow units can be delivered on-site. It is agreed that off-site habitat units will need to be purchased to deliver an overall 10% net gain in habitat units alongside the proposed development scheme and that there is no specific impediment to this approach.
11. It is agreed that, in the event that consent is granted, the Biodiversity Gain Condition will be applied by legislation to secure the provision of a Biodiversity Gain Plan, which will require the delivery of 10% biodiversity net gain to be demonstrated. Further to this condition, there is no overriding constraint to the delivery of BNG for this development.

It is agreed that further to the understanding above, the Councils are satisfied that reason for refusal 6 (IBC) and reason for refusal 5 (ESC) now fall away and are not pursued.