



Town & Country Planning Act 1990

APPEAL UNDER SECTION 78(1)

By

Mr Anthony Hardy (Capital Community Developments LTD)

At

Land North of Gardenia Close and Garden Square

Rendlesham

Suffolk

Summary Proof of Evidence

By

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Ecologist

Planning Inspectorate Ref: APP/X3540/W/19/3242636

ESC Ref: DC/19/1499/FUL

3rd March 2020

1. Introduction

1.1 My name is James Meyer. My qualifications and experience are set out in my main proof (Main Proof paragraphs 1.1 to 1.3). The evidence which I have prepared and provide for this appeal reference APP/X3540/W/19/3242636 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 for full planning permission for a phased development of 75 dwellings, car parking, public open space, hard and soft landscaping and associated infrastructure and access on land North of Gardenia Close and Garden Square, Rendlesham, Suffolk.

3. European Designated Sites Reason for Refusal and Scope of Evidence

3.1 Reason for refusal 6 sets out that based on the information and mitigation measures included as part of the application, it could not be concluded that the proposal would not lead to a likely significant effect on European designated sites (Main Proof paragraph 3.1).

3.2 The application site is within 13km of European designated sites in East Suffolk, including the Sandlings Special Protection Area (SPA).

3.3 The impacts of the scheme both “alone” and “in-combination” with other plans and projects must be considered as part of the determining an application. Impacts arising from increased recreational disturbance are of particular importance on European designated sites within 13km of the application site (Main Proof paragraph 3.4).

3.4 An application must demonstrate that the development will not adversely affect the integrity of European designated sites. The Council has been clear that information to support this requirement has not been provided sufficiently (including the mitigation required).

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

4.1 Main Proof paragraphs 4.1 to 4.7 set out the background to strategic Habitats Regulations Assessment in East Suffolk undertaken as part of adopted and emerging Local Plan documents. These have identified the existence of pathways for impacts on

European designated sites arising from new residential development, including from increased recreational pressure.

4.2 Main Proof paragraphs 4.8 to 4.12 set out the background and evidence which underpins the Suffolk Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). This is a strategic mitigation scheme developed by East Suffolk Council, Ipswich Borough Council and Babergh and Mid Suffolk District Councils to provide mitigation measures for recreational for in-combination impacts arising from new residential development.

4.3 The Suffolk Coast RAMS includes the opportunity for developers to make a financial contribution to the scheme to mitigate for the “in-combination” recreational impacts resulting from their development.

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:

- Alde-Ore Estuary Special Protection Area (SPA)
- Alde-Ore Estuary Ramsar site
- Alde-Ore and Butley Estuaries Special Area of Conservation (SAC)
- Deben Estuary SPA
- Deben Estuary Ramsar site
- Sandlings SPA
- Staverton Park and the Thicks, Wantisden SAC
- Orfordness-Shingle Street SAC

6. Application Shadow HRA (sHRA) Document

6.1 As part of the planning application a shadow Habitats Regulations Assessment was submitted **[CD1.10]**. The report identifies the European designated sites within 13km of the application site. Section 4.9 of the report considers the “alone” impacts and concludes that the development will not result in any Likely Significant Effects on European designated sites (paragraph 4.9.11). Sections 4.10 and 4.11 of the report considers the “in-combination” impacts and concludes that the development will result in a Likely Significant Effect on European designated sites (paragraph 4.10.1) and that this will be mitigated via a financial contribution to the Suffolk Coast RAMS (paragraph 4.11.3) and the provision of on-site green infrastructure for recreation (paragraph 4.11.4).

7. Consideration of Application

- 7.1 Two areas of impact have been identified, the potential for Likely Significant Effect to arise from increased recreational pressure from the development “alone” and the use of onsite green infrastructure as mitigation for “in-combination” impacts.
- 7.2 The sHRA states that “*When considered alone the likely significant effect of residents from the proposed development site using European sites is likely to be negligible*”. However, as set out in paragraphs 7.5 to 7.13 of my Main Proof this conclusion is based on incomplete consideration of the highly unusual public rights of way network around Rendlesham, particularly the presence of only a single PRow linking the village to the Sandlings SPA, and the level of use, particularly regular dog walking, which is considered likely to occur.
- 7.3 Based on evidence available on dog ownership and dog walking patterns (Main proof paragraphs 7.6 to 7.8) a 6% increase in dog walkers to the Sandlings SPA is predicted as a result of this development. Figures 1 to 3 and Appendices 1 to 3 in my Main Proof demonstrate the single PRow route available to residents of Rendlesham, compared to the similar sized settlements of Wickham Market and Framlingham which both have more routes into the countryside available.
- 7.4 As part of the Habitats Statement of Common Ground the appellant identifies a 2.55km circular walking route. However, the majority of this route (74%) is an urban route within the village, with the rest being comprised of single-track rural road (8%), field margin bridleway (11%) and cross arable field footpath (7%). Including the rural road element only 26% of the identified route is outside of the urban area. This is almost wholly within arable farmland which is in the lowest category (Level 4) within Natural England’s definition of natural greenspace [CD9.13] and therefore when combined with the predominantly urban part does not create an attractive route for walkers.
- 7.5 The layout of the proposed development does include on-site greenspace provision which the sHRA identifies will be suitable for “*suitable for daily dog walking or other recreation types*”. However, the attractiveness, suitability and availability of the open spaces for residents of the development is considered uncertain, the open space is not phased for delivery until the final phase of the development and it does not connect to the PRow network where it could form part of a set of wider dog walking routes.

8. Potential Mitigation

- 8.1 As is set out in Ben Woolnough’s Planning Proof of Evidence, the reason for refusal covered in my Main Proof of Evidence does not relate to a shortfall in the design of the development but instead the information it is supported by and how mitigation has been addressed.

8.2 Whilst the appeal is not yet supported by additional information in respect of the sHRA or additional mitigation and/or routes referred to in the sHRA, the Statement of Case makes clear that opportunities to address this are available. In particular through the delivery of local Rights of Way delivery and improvements to the north and east of the site. This PROW request sought by the County Council in their responsibility for maintaining and enhancing the rights of way network is supported by the Council as a Section 106 request. Therefore, if that is secured the Council consider that there is the potential for an Appropriate Assessment to reach a conclusion of no effect on the integrity of European designated sites (providing that contribution the Suffolk Coast RAMS is also secured).

9. Conclusion

9.1 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).

9.2 A sHRA was submitted with the planning application. This did not provide sufficient information to allow the council (as competent authority under the Habitats Regulations) to fully assess the alone or in-combination impacts that could arise from the development through increased recreational disturbance pressure on the nearby Sandlings SPA. The conclusion of No Likely Significant Effect set out in the shadow HRA is not agreed with.

9.3 As set out in my Main Proof an alone Likely Significant Effect pathway exists and therefore Appropriate Assessment, including consideration of adequate mitigation measures, is required before permission could be granted. The measures as included in the application, are considered to be insufficient to provide available and attractive regular, circular, dog walking routes which are outside of the Sandlings SPA. Subject to a formal Appropriate Assessment, it is considered that it cannot be concluded that there will be no Adverse Effect on the Integrity of the Sandlings SPA based on the mitigation measures presented. Should alternative measures be presented by the appellant and taken into consideration during the course of the appeal, then the Council may confirm that it is of the view that there would be no adverse effects on integrity.