

Date: 12 March 2020
Our ref: 311432
Your ref: APP/X3540/19/3242636



Leanne Palmer
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BY EMAIL ONLY

Dear Leanne

Appeal Reference: APP/X3540/W/19/3242636 - Land North of Gardenia Close & Garden Square, Rendlesham, Suffolk

Following correspondence with East Suffolk Council concerning this appeal, we welcome the opportunity to provide a detailed response on issues relating to the RAMS strategy.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).

The RAMS strategy has been put in place to ensure that the additional recreational pressure due to increasing levels of housing across the county is not likely to lead to an adverse effect on European and International designated sites on the Suffolk coast. The strategy allows mitigation to be dealt with on a strategic level, so that the relevant councils, Natural England and relevant stakeholders are able to work together to provide the best outcomes for the designated sites. It also has the benefit of streamlining the process, so reducing the amount of time taken to process individual residential planning applications for the councils and Natural England.

Natural England worked collaboratively with East Suffolk and the other relevant councils to set up the strategy. We fully support the aims of the strategy; in our view it is the best way to provide appropriate mitigation or avoidance measures for the European sites in question, which you will find listed in the HRA template in Annex 1. Natural England also worked collaboratively with East Suffolk Council to produce the HRA template. We confirm the formal use of the HRA template to assess residential planning applications. We trust that this response provides you with the necessary confirmation that the use of the HRA template has our agreement.

In terms of the Habitats Regulations, if it is identified that a development site falls within the 13km zone of influence of one or more of the European designated sites, then it is anticipated that this proposal will have a significant effect on European designated sites, and that without mitigation there is likely to be an effect on the integrity of one or more European designated sites. As mitigation has to be applied, effects cannot be screened out at the HRA screening stage (stage 1) and an appropriate assessment needs to be carried out by the LPA. In order to ensure that the process works as efficiently as possible and we are not duplicating work with the council, or commenting on aspects that have already been addressed by applying the strategy, Natural

England should only be consulted on applications for over 50 houses or on applications that are in very close proximity to designated sites.

Natural England only expects to be consulted once the appropriate assessment has been undertaken, so that we have all the information we need to draw conclusions on potential effects to the European sites. Furthermore if the council has concluded an adverse effect on integrity on any of the European sites in question and therefore is not planning to grant permission to the application, we do not need to see the appropriate assessment. This approach allow us to give our full attention to what we perceive, in terms of effects to the environment, as higher risk consultations that are likely to be granted planning permission; we are pleased that the strategy has already reduced the amount of casework that requires only standard comments on the environment, so allowing us to work more strategically with the council and to provide a better level of service concerning our environmental advice.

In terms of applications for over 50 houses, the LPA has to move on to Stage 2 of the Habitat Regulations Process ie. to carry out an appropriate assessment. We would expect to be consulted by the LPA only at the point when the AA is available. Therefore we do not agree with the assertion that Natural England should have been consulted earlier in this case; this is not how the process works between Natural England and East Suffolk Council.

In developments of over 50 houses, applicants are required to provide a contribution per dwelling into RAMS and also to provide sufficient, well designed onsite green infrastructure. These two components are both considered part of the RAMS strategy. As well as the inclusion of high quality semi natural areas for residents to use, we expect a circular dog walking route of approximately 2.7km within the site or with links to the surrounding public rights of way (PRoW). We also expect high quality, semi natural areas, signage/information leaflets and other provision for dogs and expect a commitment to manage these areas.

In the case of the current application, the LPA, in our view, would not be able to rule out an adverse effect on the integrity of one or more European designated sites without contribution to the strategy and adequate provision of green infrastructure. The green infrastructure element is particularly important as the application site in question is very close to the Sandlings Special Protection Area (SPA) and therefore measures are needed to divert residents away from using this European site as their nearest greenspace.

We understand from the council team that the proposed dog walking route outlined by the applicant largely involves walking on roads and within town infrastructure. In our view this is not likely to be sufficient to keep residents away from the designated site as it is not likely to result in an attractive walking route for dog walkers, particularly since it does not join up to public rights of way. In our view the dog walking route put forward by East Suffolk council is much more likely to be used by residents for at least a proportion of their daily dog walks as it would ensure a more natural walk away from roads is available. We are therefore in agreement with East Suffolk Council on the matter of the on-site green infrastructure.

I hope you find this letter useful. If you have any queries relating to the advice in this letter concerning the appeal please contact me on 0208 0265792 or at francesca.shapland@naturalengland.org.uk.

Please do not hesitate to consult Natural England again if you have any further queries on this appeal.

Yours sincerely

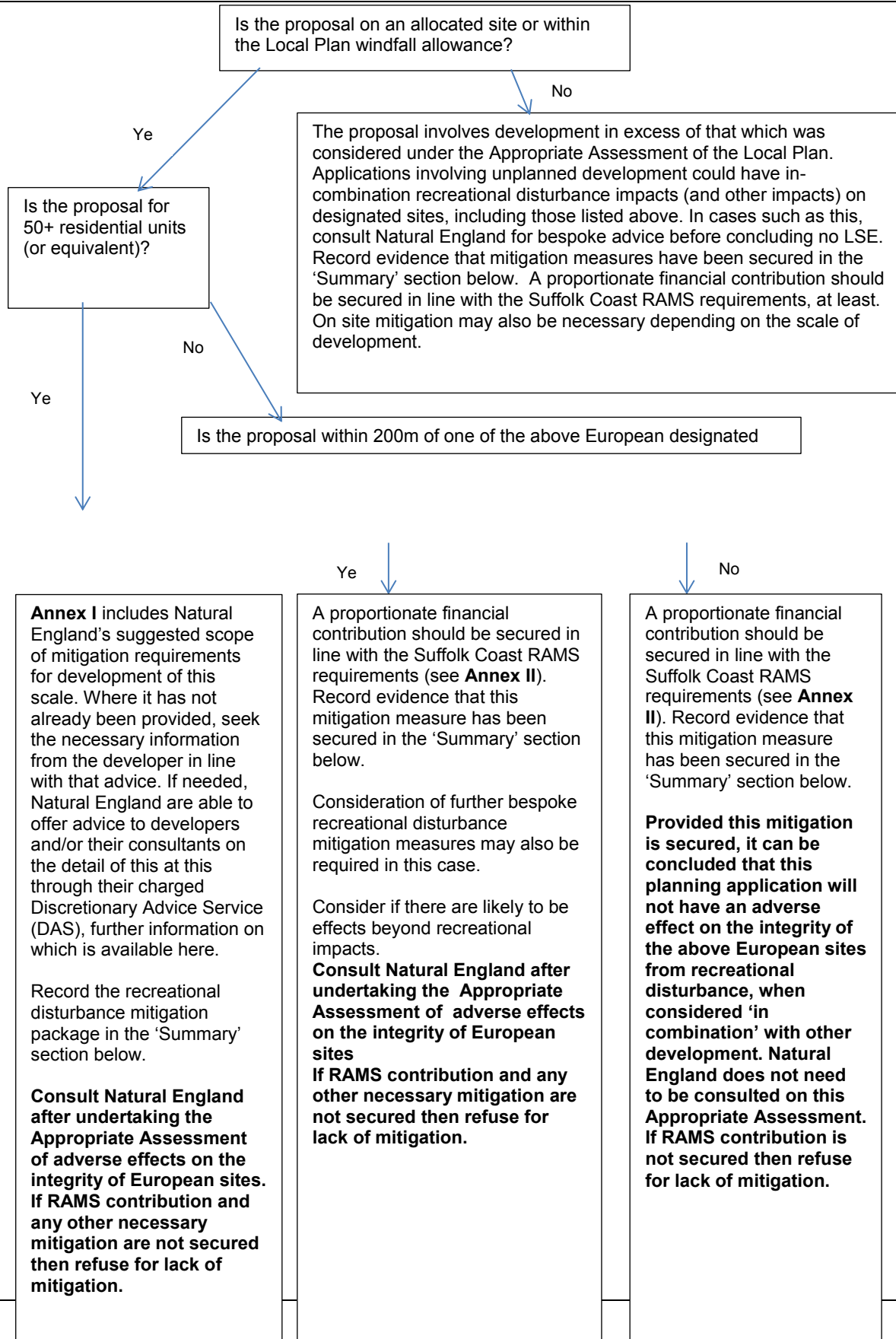
Francesca Shapland
Lead Adviser – Norfolk & Suffolk team

Annex 1 – RAMS/HRA Screening template

Application details	
Local Planning Authority:	
Case officer	
Application reference:	
Application description:	
Application address:	
Status of Application:	
Grid Ref:	
HRA Stage 1: screening assessment	
Test 1 – the significance test: Based on the development type and proximity to European designated sites, a judgement should be made as to whether the development constitutes a ‘likely significant effect’ (LSE) to a European site in terms of increased recreational disturbance	
<p>Is the development within 13 km of the below European sites (check NE IRZs)?</p> <ul style="list-style-type: none"> • Alde-Ore Estuary Special Protection Area (SPA) and Ramsar site • Benacre to Easton Bavents SPA • Deben Estuary SPA and Ramsar site • Minsmere to Walberswick Heaths & Marshes Special Area of Conservation (SAC) • Minsmere – Walberswick SPA • Orfordness-Shingle Street SAC • Sandlings SPA • Stour and Orwell Estuaries SPA and Ramsar site (Suffolk side only) 	
↓ Yes	No ↓
<p>Does the planning application constitute residential development?</p> <ul style="list-style-type: none"> • New dwellings of 1+ units included in current site allocations and windfall (excludes replacement dwellings and extensions) • Houses in Multiple Occupancy (HMOs) • Residential caravan sites (excludes holiday caravans and campsites) • Gypsies, travellers and travelling show people plots • Tourist accommodation 	<p>Conclude no LSE to the above designated sites in terms of recreational disturbance.</p> <p>An Appropriate Assessment (AA) is not required where recreational disturbance to these sites is the only issue or recreational disturbance to these sites can be scoped out of any HRA covering other issues.</p>
↓ Yes	No ↓
<p>Conclude LSE. This proposal is within scope of the Suffolk Coast RAMS as it falls within the 13 km ‘zone of influence’ for likely impacts and is a relevant residential development type as listed above. It is anticipated that such development in this area is ‘likely to have a significant effect’ upon the interest features of the aforementioned designated site(s) through increased recreational pressure, when considered either alone or in combination.</p> <p>Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites.</p>	<p>RAMS is not relevant, however other Habitats Regulations considerations should be taken into consideration for non residential developments and in some circumstances a bespoke AA may be required.</p>

HRA Stage 2: Appropriate Assessment

Test 2 – the integrity test: The applicant must provide sufficient evidence to allow the Appropriate Assessment to be made, which is the stage at which avoidance and/or mitigation measures can be considered



Summary of the Appropriate Assessment : To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England (where necessary)

Summary of recreational disturbance mitigation package

[INSERT]

Conclusion

Having considered the proposed avoidance and mitigation measures above, [INSERT LPA] conclude that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Suffolk Coast RAMS.

Having made this appropriate assessment of the implications of the plan or project for the site(s) in view of that (those) site(s)'s conservation objectives, and having consulted Natural England and fully considered any representation received (where necessary), the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Local Planning Authority Case Officer comments, signed and dated: