

## Sproughton Parish Councils response to Inspectors Matters, Issues and Questions: Matter 1b

The Parish Council has commented at one stage or other of the BMSDC JLP process to most of the issues raised by the inspector

### **Matter 1b – Legal Compliance (Habitats Regulations Assessment)**

1.8 Is the Habitats Regulations Assessment robust and does the plan include all the recommendations identified in the assessment as necessary to ensure compliance with the Habitats Regulations?

The Habitats Regulations Assessment proposes mitigation measures for developments within the range of influence of the 'Protected Orwell Habitat Areas'. The HRA focuses on monetary contributions by developers to the East Suffolk Council RAMS<sup>1</sup> i.e. money for mitigation instead of avoiding impact in the first instance. This is the last option identified in the 'Habitat Impact Mitigation Hierarchy' options.

Both the NE and the National Planning Policy Framework (NPPF) suggest impact may be avoided by diverting footfall away from the designated habitat sites by developers providing green social/community recreation areas designated as Suitable Alternative Natural Greenspaces (SANGs) for the use of new residents. Not only would contributions to RAMS be the last available option in the 'Hierarchy of choice' but it is also detrimental to the local community because mitigation by contribution to the East Suffolk Council RAMS project removes the opportunity for the provision of SANG's for the benefit of residents in new developments and existing communities.

The Habitats Regulations Assessment and RAMS focus on methods and timetables for securing appropriate contributions for mitigation measures in the form of rangers, paths, car parks etc. agreed with various organisations including wildlife authorities. But there is no clarity as to why the preferred options have not been pursued or considered both generally or specifically for individual sites. Just a blind reliance on the easy & quick option of demanding money from a developer.

"Alternative recreation options should be located at convenient points for many users, and offer facilities sufficient to attract some people from European sites." [East Suffolk Council – HRA-RAMS](#)

'The mitigation hierarchy requires any effects to firstly be avoided and any remaining effects that cannot be avoided be adequately mitigated.' [CSBI-Mitigation Hierarchy](#)

'The appropriate assessment stage considers any effects that have not been avoided, and will look at the effectiveness of mitigation or minimization measures that could be applied to reduce an effect to an acceptable level. The final stage of the 'mitigation hierarchy' is the use of compensation as a last resort' [CSBI-Mitigation Hierarchy](#)

The mitigation hierarchy concept of '*avoid before mitigate*', and '*mitigate before compensate*', whilst at the same time seeking enhancements, is an established process when assessing impact on

---

<sup>1</sup>Recreational Disturbance Avoidance and Mitigation Strategy

the natural environment, as promoted in the Royal Town Planning Institute publication '*Good Practice Guide - Planning for Biodiversity*' 1999, republished in 2001. The mitigation hierarchy has now been incorporated into the NPPF.

Where housing growth will be significant in one particular location, large scale natural greenspaces are an additional compensatory measure, which are delivered individually within development projects. These provide an alternative to recreation on European sites and are referred to as SANGs. The need for SANGs as an additional measure may be identified as new housing allocations are brought forward with Local Plan reviews'. [Improving access to greenspace. Gov.uk](#)

The NE and NPPF clearly recommend Habitat Impact Avoidance as the first consideration and this can be avoided by the creation of SANG's to preserve the best of an area for the recreational use of all the new residents. Some of the proposed development sites in our area will have a huge detrimental impact on the existing green infrastructure, recreational walking areas, landscape and viewpoints that are treasured by the existing community. Their loss will have an adverse physical and mental health impact and it appears that this JLP has a completely negative bias on local communities in this respect.

There is no reason why an LPA cannot pursue such a policy following national ecology hierarchy guidance with avoidance of negative impact on the protected habitat sites as the primary objective followed by the provision of local SANG's as the next preferred option which do not even appear to be mentioned in this policy of the JLP followed by mitigation and compensation (East Suffolk Council -RAMS) only as the last recourse.