

Sproughton Parish Councils response to Inspectors Matters, Issues and Questions : Matter 7

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 7 – Environment Policies (*Policies SP09, SP10, LP17, LP18, LP19, LP20, LP21, LP22, LP23, LP24, LP25, LP26, LP27, LP28, LP29*)

7.1 a) Is policy SP09 based on robust and up to date evidence?

b) Is it sufficiently clear, including in relation to where the Suffolk Coast RAMS applies?

c) Will it be effective?

Both the JLP policy SP09 and the RAMS report propose mitigation by developers paying a charge to compensate for additional footfall at the Protected Orwell Habitat sites. This ignores the preferred option under both NE and NPPF to avoid impact by diverting footfall away from the habitat sites. Instead, both focus on charges to developers. Money for mitigation instead of avoidance.

There is a 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 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, with any remaining effects that cannot be avoided being adequately mitigated for.’ 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 in the assessment of impacts on the natural environment, promoted in the Royal Town Planning Institute publication ‘Good Practice Guide - Planning for Biodiversity’ 1999,

republished in 2001. The mitigation hierarchy is now incorporated into the National Planning Policy Framework’.

‘Where housing growth will be significant in one particular location, large scale natural greenspaces are an additional measure, which are delivered individually within development projects. These provide an alternative to recreation on European sites are referred to as Suitable Alternative Natural Greenspaces (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

NE and NPPF clearly recommend Habitat Impact avoidance as the first consideration and this can be avoided by creation of SANG’s (Suitable Alternative Natural Greenspace provision) that preserve substantial landscape and wildlife areas that present a realistic and attractive alternative to protected habitat sites for the health and wellbeing of new and existing residents, communities, biodiversity and wildlife.

Large developments in rural or the rural edge of urban areas have a significant detrimental impact on the existing communities, the local ecology, wildlife and landscape. It is unacceptable that local policy should ignore the clear benefits of SANG’s for the existing local and planned communities and instead focus on payments to support greenspace provision at habitat sites that are remote and only accessible by the unecological use of cars. This is detrimental to the healthy development of our communities and the reduction in carbon footprints.

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

7.2 Are the requirements of policy SP10 sufficiently clear including with regard to what is required from developers and will the policy be effective?

SP10, (a) and (b) give no clarity to what long term/future proofing measures will be adopted against flooding. The present adopted requirement is for applications to show avoidance of flooding against a proposed worst case normally based on a local once in a hundred years storm event plus 30% for climate change. But this sometimes varies depending on the site, or the consultancy.

This ignores a significant factor in this part of the United Kingdom. Suffolk is one of the driest areas of the country so the once in a hundred year plus 30% is based on the historic rainfall of this very dry area. The national average rainfall is about double Suffolk’s and a simple change in weather patterns due to global warming might easily lead to Suffolk experience average UK rainfall which would then double the flood risk in this area.

If future flooding of existing and planned communities is to be avoided planning policies in this dry area of the UK need to take this into consideration. We therefore consider the present standards applied are inadequate.

7.3 No comment

7.4 a) Is policy LP18 consistent with national policy? b) Are the requirements of the policy clear? In particular is there sufficient clarity regarding County Wildlife Sites, environmental corridors and how off-setting would work?

No, see below re wildlife corridors etc

d) Is the policy based on robust evidence that justifies its requirements particularly in relation to

- i. the minimum 10% increase for biodiversity
- ii. wildlife corridors?

There is no minimum specification for environmental corridors. These need to be matched to the environment and type of wildlife/biodiversity present, potentially present and potentially habitually migratory along a corridor. It can vary from hedgehog friendly fences to deer corridors that need wide high grass areas with trees, bushes, brambles and scrub areas for visual cover.

It is also necessary to consider the detrimental impact of introducing domesticated cats into a wildlife area as they are highly predatory and can devastate an established wildlife area/corridor which has previously been remote from large scale housing development.

e) Is it sufficiently clear how the net gains for biodiversity would be measured?

We can see no specification for a reliable method of measuring such a 10% gain unless it was by wildlife surveys at some defined time before and after development. However, this provides no reliable forecast for consideration at a planning stage and it would not be sufficient for developers to simply propose their own projection of biodiversity gain. There is also a consistent failure to consult locally on known and locally accepted habitat, biodiversity or wildlife issues which are rarely recorded in any database and overlooked in 'desktop surveys' frequently relied on in biodiversity surveys. Biodiversity Surveys and any form of projected gain surveys should be required to consult with local Parish/town councils for local knowledge as well as local wildlife groups and be subject to public scrutiny.

Item 1 supports our comments regarding RAMS contributions in Policy SP09 in question 7.1

7.5 a) Is policy LP19 clear and would it be effective?

b) To be sound does the policy need to refer to local landscape designations in neighbourhood plans, and retain existing Visually Important Open Spaces and Special Landscape Area designations?

It has always been our view that SLA designations should be retained. They are not detrimental to planning but do identify and set clear policies under the present Local Plan/Core Strategy as to how any development should be integrated into landscape locally identified and recognised as special. The removal of this designation and the associated policies leaves JLP policies that are more subjective by the person of the hour who may not appreciate a landscape value that has been respected for decades by others. The proposed subjective policies are due to being subjective open to legal argument over interpretation of both policy and perceived landscape impact which will leave the LPA open to planning appeals and legal challenges that may well render the new policies unenforceable.

7.6 no comment

7.7 a) Is policy LP21 consistent with national policy?

b) Is the policy clear and would it be effective? In particular to be found sound does the policy need to specifically mention Conservation Areas and/ or that it covers both designated and non-designated heritage assets?

Conservation areas should be a contributory factor in a heritage assessment as should non designated heritage assets particularly where there exists a cluster or group that relate to each other, their historic location and to other designated heritage assets thereby increasing the relevance and value of a location and an assets sense of place in that location.

Policy LP21 1,a,iii. It cannot be for the author of the heritage statement to 'fully justify' a planning application. A heritage statement may propose an argument as to justification Of an application but surely is a matter for the relevant departments/committees of a LPA to consider if it is justified.

7.8 Is policy LP22 consistent with national policy particularly with regard to highway matters? Is the proposal to remove PD rights justified?

We agree the Permitted Development rights should be removed from stable etc applications or they may very quickly change from removable temp structures into homes or domestic garages.

7.15 Are the requirements of policy LP29 clear and justified?

As commented above at Q:7.2 re Policy SP10 we have concerns over the adopted principles for estimating flood risks. The present practice of estimating one in a hundred year storm events plus 30% for climate change only stand up if historic weather patterns across the UK do not alter with climate change. The country is regularly experiencing severe flood events

which Suffolk for the most part avoids as it is one of the driest counties in the UK. However if changing weather patterns resulted in Suffolk experiencing average UK rainfall that alone would represent a 100% increase in rainfall.

Furthermore, it is unclear what surface water run of rates developers are expected not to exceed. In some areas surface water run of during severe storms already creates limited flooding and if attenuation pond discharge rates were set to match say 1/100 year storms that would represent a constant flood risk which at present may only occur in exceptional storm events.

Also there appears to be no consideration given to cumulative impact of several developments or existing developments or roads that already cause an exceedance of the theoretical greenfield run of rate. For instance, it is not acceptable for a developments planned SUDS discharge rate to ignore an existing problem because it is downstream. Planners and Developers should be following a policy that alleviates potential flood risk not adding to an existing risk.

There needs to be a realistic consideration of the potential change in rainfall due to global warming and potential change in UK weather patterns.

Discharge rates should be expected to reduce run of rates and thereby reduce flood risk not merely be expected not to exceed some not clearly defined run of rate.

The surface water run of rate against which SUDS discharge rates are judged should be clearly defined as failure to do so leaves a policy legally challengeable and therefore unenforceable.