

**Forest Heath District Council  
Proposed Submission Site Allocations Local Plan (SALP) and  
supporting Habitats Regulations Assessment (HRA)**

**Statement of Common Ground**

**Reference: SoCG 4/Natural England**

**Date 4 October 2017**

**This statement of common ground relates to the representations made by Natural England in relation to the proposed submission Site Allocations Local Plan and supporting Habitats Regulations Document. The objections made by Natural England have been considered and this Statement of Common Ground has been agreed by Forest Heath District Council and Natural England for submission to the Inspector for the Site Allocations Local Plan Examination. In addition this SOCG sets out the parties agreed position in relation to growth in Brandon.**

The parties are agreed that the minor changes suggested in Natural England's representation (24930) can be made, to ensure that the effects of the proposed SALP sites on Breckland SPA are properly considered. The proposed modifications are attached to this statement of common ground at Annex A for information.

In addition, changes in the approach to the HRA to ensure the document is robust (rep 24883) have been considered in the attached letter prepared by LUC on behalf of the Council (Annex B). These changes will be made in any future iterations of the HRA of SALP in due course.

For completeness the modifications recommended in the HRA of the proposed submission Site Allocations Local Plan (January 2017) are agreed and are included in Annex A

The parties are agreed that the issues raised in Natural England's consultation response can be dealt with as follows:

**Changes to policy SA9 recommended in the HRA of the SALP Proposed Submission (Regulation 19 consultation stage)**

The HRA of the SALP Proposed Submission (Regulation 19 consultation stage) concluded (in sections 7.17, 8.2 and table 7.1) that the requirement for project level HRA described at para. 5.8.20 of the supporting text to Policy SA9 is included in the policy itself. Both parties agree; the modifications are shown in Annex A.

## **Policy SA10**

Natural England commented that even though a small proportion of site SA10: North Red Lodge is within the 1500 constraints zone, a development of this size at this distance from the SPA may require mitigation to offset the recreational effect to stone curlew. Both parties agree that changes should be made to the policy to require that a project level HRA is undertaken at the appropriate time, and that measures are included to avoid an increase in recreational activity on adjacent farmland. The proposed modifications are shown in Annex A.

## **Recreation**

### Recreational effects to Breckland SPA

Natural England commented that *the effect of recreation on farmland within the 1500m constraints zone does not appear to have been screened into the appropriate assessment or covered in much detail within the section on recreation. In addition the immediate effect of housing in close proximity to Breckland Forest SSSI/Breckland SPA ie. within the 400m constraints zone, needs to be considered separate to the cumulative recreational effect within 7.5km.* Natural England recommended that chapters 6 and 7 of the HRA are reviewed and changed to take these considerations into account, and that assessment on recreational effects be added to *the Potential for indirect urban edge effects* column in table 7.2 of the HRA and the table updated for policies SA2a, SA5a and SA5b.

Both parties agree that the letter prepared by LUC on behalf of the Council (dated 23 May 2017 and in Annex B) sets out how these additional recreational considerations will be dealt with in future iterations of the SALP HRA.

The council has reviewed all allocated sites, in light of these recommendations and the comments in relation to SA10 (NE letter 13.03.17). The review found that there is potential for recreational effects on farmland adjacent to sites SA9b and SA9c - Land east of Red Lodge north and south. Both parties agree that a modification to Policy 9A A) would be an appropriate response. The modifications are shown in Annex A.

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## **Screening Criteria**

Natural England stated *that all proposals that are within the 1.5km constraints zone but screened from Breckland SPA cannot be screened out from further assessment, unless indirect effects have also been considered in detail.* Natural England recommended that a change to the wording of the screening criteria in the HRA is required to ensure that medium sized developments or those outside of large settlements are considered fully. In addition further detail on the location (for policies SA5a and SA5b) should be included in the *Potential Direct Disturbance column* (table 7.2 of the HRA) so it is possible to assess whether noise disturbance would be a factor.

Both parties agree that the letter prepared by LUC on behalf of the Council (dated 23 May) sets out the changes to the screening criteria that will be dealt with in future iterations of the SALP HRA.

**Growth in Brandon**

FHDC and NE agree that there is currently insufficient evidence to support a higher level of growth in Brandon associated with greenfield sites located outside of the revised settlement boundary but within the buffers defined by Core Strategy policy CS2.

**Signed on behalf of Forest Heath DC**



**Marie Smith**  
**Planning Strategy Service Manager**

**Signed on behalf of Natural England**



**Francesca Shapland**  
**Lead Adviser, Planning and Conservation**  
**Norfolk and Suffolk Team**

### Proposed Main and Additional Modifications as a result of Natural England representations

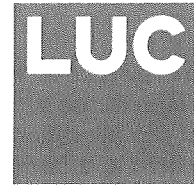
Rep ID number and consultee	Page	Policy/ Paragraph	Modification
24883  Natural England	71	SA9	<p><i>Amend requirement A) to read</i></p> <p>Development on all sites must provide measures for influencing recreation in the surrounding area, to avoid a damaging increase in visitors to Breckland SPA. Measures should include the enhancement and promotion of a dog friendly access routes in the immediate vicinity of the development(s), and/or other agreed measures, <u>Measures to avoid an increase in recreational activity in adjacent farmland, such as barriers to access, should also be considered for sites SA9 (b) and (c).</u></p>
HRA	71	SA9	<p><i>Include additional sentence at the end:</i></p> <p><u>Any future amendments, reserved matters or new planning application to site (c) would require a project level Habitats Regulations Assessment</u></p>
Natural England	74	SA10	<p><i>Amend Para B) to read:</i></p> <p><u>The masterplan and any future planning applications will require a project level Habitats Regulations Assessment.</u> The development must also provide measures for influencing recreation in the surrounding area, to avoid a damaging increase in visitors to Breckland SPA, <u>and an increase in recreational activity in adjacent farmland.</u> Measures should include the provision of suitable alternative natural greenspace which is well connected and the enhancement, and promotion of dog friendly access routes in the immediate vicinity of the development, <u>barriers to access and/or other agreed measures;</u></p>

**Annex B**

**LUC letter of 23 May 2017 – Proposed changes of HRA of Forest Heath proposed Submission SALP in response to Natural England representations of 13 March 2017, ref 205693**



Francesca Shapland  
Lead Adviser, Planning & Conservation  
Norfolk & Suffolk Team  
Natural England



Environmental Planning  
Design & Management

BY EMAIL

Our reference            Project and tender references: 6446  
Your reference            205693  
Date                        23 May 2017

Dear Francesca

**Proposed changes to HRA of Forest Heath Proposed Submission SALP in response to Natural England representations of 13 March 2017, ref 205693,**

Thank you for your comments on the HRA of the Forest Heath SALP<sup>1</sup> which will be useful in helping to increase the robustness of the assessment. Further to those comments and subsequent related communication<sup>2</sup>, we believe that the changes set out in this letter are needed to the HRA of the SALP. We would appreciate it if you could review these and confirm that these adequately address your concerns and whether you believe any additional changes are required to the HRA of the SALP.

**Recreation**

*Recreation pressure on farmland elements of Breckland SPA*

The HRA screening of the SALP at the Regulation 18 stage assumed that recreational effects could not be ruled out from any residential development within 7.5 km of Breckland SPA. In response to Natural England representations, LUC modified the HRA screening criterion at Regulation 19 stage to state that recreational effects could only occur over a 7.5 km distance in relation to the non-farmland elements of Breckland SPA. This was on the basis that opportunities to walk on farmland are generally available much closer to home than 7.5 km for the District's residents. In making this adjustment it is acknowledged that LUC should also have defined a shorter distance within which the potential exists for significant recreation pressure on farmland elements of Breckland SPA.

All studies on visitor behaviour at Breckland SPA of which LUC is aware are based on visitors to the forest and heathland areas of the SPA rather than farmland areas so there is no definitive data which can be used to define a recreation buffer for the farmland areas of Breckland SPA. On the basis that opportunities to walk on farmland are generally available close to home for most locations in the District the HRA will assume, purely for the purposes of defining a farmland recreation buffer, that most recreational visits to farmland areas of the SPA are on foot. Footprint Ecology's 2010 report *Visitor*

<sup>1</sup> Letter dated 13 March 2017; NE ref 205693

<sup>2</sup> LUC letter to Natural England dated 5 May 2017; Natural England email to LUC dated 11 May 2017; telephone conversation dated 22 May 2017

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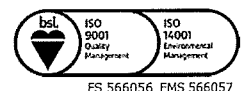
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survey results from Breckland SPA<sup>3</sup> indicates that 75% of visitors on foot travelled up to 1.3 km from home to the survey point and none travelled more than 1.6 km. Bearing in mind that the HRA Screening of site allocations is concerned with the distance from home to the habitat boundary rather than a point within it, a farmland recreation buffer distance of 1.5 km should capture practically all visits on foot.

**Proposed changes to HRA of SALP**

Define a 1.5 km recreation buffer around farmland areas of Breckland SPA and assume that likely significant effects on Breckland SPA due to recreation pressure cannot be ruled out for residential allocations within 1.5 km of farmland areas of the SPA or within 1.5 km of stone curlew nesting attempts areas<sup>4</sup>.

*Mitigation of recreation pressure from residential development close to Breckland SPA*

One element of the Council's Recreation Mitigation and Monitoring Strategy is provision of at least one large area of Suitable Alternative Natural Greenspace (SANG). It is reasonable to assume that such strategic SANG will generally be of limited effectiveness in diverting recreational visits to Breckland SPA from those living closest to the SPA since, on average, the strategic SANG will be significantly further away from home than the SPA itself. This implies that it may be necessary to consider additional mitigation of recreation pressure for developments closest to the SPA. It is therefore considered inappropriate for the HRA Screening of the SALP to place full reliance on the Recreation Mitigation and Monitoring Strategy for residential allocations close to the SPA. Since this difference relates to travel distances rather than distances over which different types of effect may occur on different interest features of Breckland SPA, it is judged inappropriate to refer to the 400 m woodlark/nightjar constraint zone and the 1,500 m stone curlew constrain zone defined by Core Strategy policy CS2 in this context. Instead, it is considered that a more detailed consideration of potential recreation pressure is required for all residential development proposals close to Breckland SPA and that this is most appropriately carried out on a case by case basis via project level HRA.

**Proposed changes to HRA of SALP**

For any policy allocating residential development within 1.5 km of any part of Breckland SPA or within 1.5 km of stone curlew nesting attempts areas, recommend that the policy requires any future proposals or planning application to:

- 'carry out a project level HRA', and
- 'provide measures for influencing recreation in the surrounding area, to avoid a damaging increase in visitors to Breckland SPA'.

Provided that these recommendations are followed and relying on these allocation policy requirements and the other recreation mitigation described in the HRA of the SALP, the Appropriate Assessment of the SALP will rule out the potential for adverse effects on the integrity of Breckland SPA from the Local Plan site allocation and will rely on more detailed assessment and agreement of mitigation measures on a case by case basis via project level HRA.

**Screening criteria**

We understand that the comments under this heading of your 13 March representations letter relate in part to the screening criteria historically applied by the Council in considering the need for project level HRA for individual proposals rather than wholly to the methodology applied by the HRA of the SALP.

<sup>3</sup> More recent studies such as Footprint Ecology's 2016 report 'Visitor surveys at European protected sites across Norfolk during 2015 and 2016' do not appear to provide a more accurate distance to use

<sup>4</sup> LUC does not have mapping to show whether all stone curlew nesting attempts areas are on farmland but it is precautionary and consistent with known habitat preferences of stone curlew to assume that they are



Nevertheless, minor adjustment of the approach of the HRA of the SALP to Appropriate Assessment of 'disturbance and other urban edge effects' (paras 7.5-7.19 + Tables 7.1 & 7.2) is also indicated, as follows.

Currently, the HRAS of the SALP considers two components of 'disturbance and other urban edge effects', each of which is assessed separately in Table 7.2:

- 'direct disturbance by built development' (i.e. visual presence, noise, light) is ruled out if the allocated site is screened from the SPA by existing built development or if it would not advance the line of development towards the SPA; and
- 'indirect urban edge effects' (i.e. increased predation) are ruled out if significant physical barriers exist between the allocated site and the SPA.

Having discussed the HRA's approach to assessment of 'direct disturbance by built development' with you, we agree that development could increase the amount of such disturbance experienced by Breckland SPA's designated bird species, even if it is no closer to the SPA boundary than adjacent areas of existing development. Furthermore, we agree that it is not possible to definitively rule out the possibility of a significant increase in noise levels at the SPA purely on the basis that existing development is present between a site allocated for development and the SPA and that case by case consideration of development proposals is required, taking into account such factors as the scale of the proposed development, the proposed use (e.g. a school would be likely to generate more noise than residential development), the site layout (e.g. siting of noise generating uses furthest from the SPA), and the development design (e.g. incorporation of planting to screen noise sources from the SPA; acoustic properties of building design).

#### **Proposed changes to HRA of SALP**

For Appropriate Assessment of site allocations screened in for the potential to result in 'disturbance and other urban edge effects' (those within the 1,500 m stone curlew or 400 m woodlark/nightjar constraint zones), consider the following three categories of potential effect rather than the existing two:

- i) Visual presence of and light pollution from buildings: rule out if the allocated site is screened from the SPA by existing built development.
- ii) Domestic cat predation: rule out if significant physical barriers exist between the allocated site and the SPA.
- iii) Noise pollution: requires more detailed consideration of individual proposals, therefore rule out by new requirements within relevant allocation policies to:
  - "carry out a project level HRA", and
  - "where the potential exists for noise disturbance of the qualifying bird species of Breckland SPA, provide measures to reduce this to a level at which significant effects can be ruled out".

We look forward to discussing these suggested methodological changes further or to receiving confirmation of your agreement to them before we amend the HRA of the SALP to reflect these.

Thank you again for your continued input to this HRA work.

Yours sincerely

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