

Core Strategy Policy 2 (Natural Environment) Supporting Statement

Summary

This statement has been prepared to provide a clear audit trail of policy preparation and development for Core Strategy policy CS2- Natural Environment. It includes the major issues raised during the 3 consultation periods (Issues and Options, Preferred Options and Final Policy option) and how these, along with national and regional policy, have shaped the development of the policy and how the issues raised during consultation have been addressed in the final policy.

Introduction

This statement supports Core Strategy Policy CS2- Natural Environment. The policy deals with Forest Heath District Council's position on, and vision for, the natural environment of the District. These range from protecting the landscape, biodiversity and geodiversity of the District to restoring, enhancing or expanding areas of value. Forest Heath contains important areas of biodiversity and geodiversity, these range from designated sites of European importance such as Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) to locally important sites such as County Wildlife Sites (CWSs), to non-designated areas of landscape, important for aesthetics and local distinctiveness.

National Policy

The following National Policies are relevant to CS2: PPS7 (Sustainable Development in Rural Areas (2004)); PPS9 (Biodiversity and Geological Conservation (2005)); Planning for Biological and Geological Conservation: A Guide to Good Practice (2006); PPS12 (Local Spatial Planning (2008)) and Circular 06/2005 (Biodiversity and Geological conservation- Statutory obligations and their impact within the planning system (2005)). PPS7 covers sustainable development in rural areas, this includes ensuring that development does not have an adverse impact on the natural environment. Paragraph 15 states that "planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development". This lends support to PPS9 which sets out the policy context for the Government's vision for conserving and enhancing biological diversity in England and a programme of work to achieve it. PPS9 is the main policy driver behind policy CS2 which aims to support the Government's objectives for planning, these objectives are set out below:

- **to promote sustainable development** by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, environmental and economic development, so that policies and decisions about the development and use of land integrate biodiversity and geological diversity with other considerations.
- **to conserve, enhance and restore the diversity of England's wildlife and geology** by sustaining, and where possible improving, the quality and extent of natural habitat and geological and geomorphological sites; the natural physical processes on which they depend; and the populations of naturally occurring species which they support.
- **to contribute to rural renewal and urban renaissance by:**
 - enhancing biodiversity in green spaces and among developments so that they are used by wildlife and valued by people, recognising that healthy functional ecosystems can contribute to a better quality of life and to people's sense of well-being; and
 - ensuring that developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment.

Circular 06/2005 (Biodiversity and Geological conservation- Statutory obligations and their impact within the planning system) provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the expression of national planning policy set out in PPS9 and the accompanying good practice guide.

PPS9 and Circular 06/2005 are supported by a 'Good Practice Guide' which complements the two publications. It provides good practice guidance, via case studies and examples, on the ways in which regional planning bodies and local planning authorities can help deliver the national policies in PPS9 and comply with the legal requirements set out in the Circular. However it does not make additional national policy or provide legal interpretation.

Regional Policy

The following Regional Policies are relevant to CS2: ENV1 (Green Infrastructure) and ENV3 (Biodiversity and Earth Heritage).

Policy ENV1 aims to identify, create, protect, enhance and manage areas and networks of green infrastructure. Green infrastructure refers to networks of protected sites, nature reserves, green spaces, waterways and green linkages. Policy CS2 seeks to protect and enhance linkages between such areas and therefore safeguard green infrastructure within Forest Heath. A development control policy will be included in the 'Development Control Policies' DPD to set out more specific criteria for green infrastructure protection and enhancement.

Policy ENV3 requires that "in their plans, policies, programmes and proposals planning authorities and other agencies should ensure that internationally and nationally designated sites are given the strongest level of protection and that development does not have adverse effects of the integrity of sites of European or international importance for nature conservation". It goes on to state that "proper consideration should be given to the potential effects of development on the conservation of habitats and species outside designated sites, and on species protected by law". Policy CS2 recognises the importance of designated sites for nature conservation and seeks to protect them from harm. It also emphasises the importance of restoration, enhancement and expansion for protecting areas of landscape, biodiversity, geodiversity interest and local distinctiveness. Development control policies will be included in the 'Development Control Policies' DPD to set out the hierarchy of site protection offered to various designated sites, ranging from Sites of Special Scientific Interest (SSSIs) to County Wildlife Sites (CWSs).

Local Policy

The following Community Strategy and Corporate Plan priorities are relevant to CS2: Community Strategy: Safe, Strong and Sustainable Communities. Corporate Plan: Street Scene and Environment.

Forest Heath District Council is a member of the Western Suffolk Local Strategic Partnership (WSLSP). The WSLSP produce a ten year Community Strategy which includes contributions from many organisations and individuals. It aims to set clear objectives which everyone can work towards and reflect the needs and views of the community. The Community Strategy objective relevant to Core Strategy policy CS2 is: 'Safe, Strong and Sustainable Communities'. A list of five priorities have been identified which will directly contribute to this objective, the priority most relevant to policy CS2 is 'protect our natural and built environment and local biodiversity and ensure sustainable development'. The Community Strategy has identified that 'the environment is important to the development of our community and links to economic and social wellbeing, leisure activities, tourism, energy production and health improvement. Our lifestyle affects the environment through development, waste, pollution and climate change'. Policy CS2 reflects the aim of the Community Strategy to protect and enhance the natural environment.

The Forest Heath Corporate Plan sets out the Council's vision for the District, it is based on the values 'clean, green, safe and prosperous'. The plan also includes the Council's seven corporate priorities which reflect what local people feel is important to them. The priority most relevant to Core Strategy policy CS2 is 'Street Scene and Environment', this promotes safeguarding the environment for future generations. Policy CS2 builds on this priority by seeking to protect and enhance the District's natural environment.

Summary of previous representations

Main issues raised during Issues and Options consultation (2005):

There were two questions related to the natural environment in the (long) Issues and Options questionnaire, the first was a tick box question (Q26. Which of the following is more important to the Brecks landscape? Agricultural land and commercial woodland OR heathland, mainly for wildlife), 82 respondents answered this question. The second question required a written answer (Q27. are there any important wildlife corridors in Forest Heath that need to be identified?), 38 respondents answered this question. In response to question 27 the following areas were suggested for recognition as important wildlife corridors:

- Lark Valley
- Kennett River Valley
- Lakenheath Warren
- Brandon Woods
- Kentford Heath
- Icknield Way and Peddars Way
- Mildenhall Woods
- Links to Wicken Fen
- Newmarket Heathland
- North from Brandon settlement boundary to Little Ouse
- All remaining Breck should be protected
- All rivers should be recognised as important wildlife corridors, such as the Lark, Cut-Off Channel and Little Ouse.

Of the 12 areas listed above four are already designated as Sites of Special Scientific Interest (SSSIs), these are Lakenheath Warren, Brandon Woods, Mildenhall Woods and Newmarket Heathland, in addition to this Kentford Heath is adjacent to the Breckland Farmland SSSI and parts of the River Lark, Little Ouse, Cut-Off Channel, Icknield Way and Peddars Way all run through land designated as SSSI. Policy CS2 includes promotion of green corridor enhancement as one of its key measures and, as a result of representations to this consultation and other advice, specifically includes reference to improvement projects along the River Lark and Icknield Way.

Question 27 also raised several other issues which are dealt with below:

- All road developments must include planting for trees etc.

The submission policy supports the creation of new habitat, including tree planting where appropriate.

- Most heaths in Forest Heath are suffering from air pollution, with nitrogen oxides causing significant loss of biodiversity. Should development be restricted, or designed to have minimal impacts on air quality?

Development Control policies will prevent development from having a material adverse impact on sites of biodiversity and geodiversity importance, this can include the effects of air pollution on designated sites. Also a buffer in which new roads or road improvements are not allowed is included around all SACs in order to protect them from air pollution, particularly nitrogen deposition.

- Supply of water to many of the District's wetlands is inadequate. High water levels and occasional flooding can be important to maintain the wildlife of these wetlands.

The Core Strategy policies on climate change (CS4- Reduce Emissions, Mitigate and Adapt to future Climate Change) and design (CS5- design Quality and Local Distinctiveness) will aim to reduce water use and lower the impact new development will have on water supplies. Policy CS2 gives general support to schemes which protect and enhance existing habitat.

- Recreation in the countryside is valuable for engaging people with wildlife, and is encouraged by English Nature. At the same time the stone curlew, a rare bird with national and international protection, is disadvantaged with even low levels of human disturbance. As Forest Heath has a nationally significant population of this bird it is a major issue for the LDF.

The stone curlew is a European Protected Species (EPS) and so receives the highest level of protection available, therefore, in accordance with PPS9 (para. 15), it is not specifically mentioned in policy CS2. The Breckland Special Protection Area (SPA) is a European level designation which covers part of the District, the stone-curlew is one of the three bird species for which this area was designated. Due to the presence of the SPA the Core Strategy will need to undergo a Habitat Regulation Assessment (HRA), this will ensure that the policies within the document will not have a negative impact on the integrity of the SPA (and therefore the species it is designated for).

- Need to preserve and maintain hedges and woodland and delegate suitable areas/ or new plantations of indigenous species not for commercial use.

The submission policy protects existing landscape features, this protection is further emphasised through policy CS3 (Landscape Character) and the forthcoming development control policies. The policy also promotes the creation of new habitat where appropriate.

- Recommend the creation of wildlife habitats this could be undertaken through the use planning obligations for strategic development sites, which could be used for the creation of wildlife corridors.

Policy CS2 supports the creation of wildlife habitats, the 'Infrastructure and Developer Contributions' Core Strategy policy and forthcoming 'Developer Contributions' Supplementary Planning Document (SPD) will help set out thresholds at which contributions for planning obligations and Section 106 agreements will be levied.

- The RSPB believes that the LDF should identify wildlife corridors that can be enhanced/ created within Forest Heath and that these would be part of a wider ecological network of corridors linked with neighbouring regions, using the regional biodiversity opportunities map as a framework.

Policy CS2 recognises several 'green corridors' which could be enhanced, further corridors and detail will be presented in a future 'Green Infrastructure' Supplementary Planning Document (SPD) and the 'Green Infrastructure' Development Control policy.

- There is a need to maintain connections between the Breck farmland and Breck forest SSSIs.

Policy CS2 supports the maintaining of existing links between designated areas and seeks, wherever possible, to create new links.

The responses to question 26 showed that 60% of respondents felt that heathland (mainly for wildlife) was most important to the Brecks landscape, whilst 17% thought that agricultural land and commercial woodland were most important, 23% did not answer the question. However it was pointed out that although the majority of heathland loss can be attributed to either afforestation of arable farming, all three land uses make a contribution to the ecological importance of Breckland and identifying one land-use as being more important than the others is too simplistic a way of viewing the issue. This point is reflected in policy CS2's aim to restore, create and expand areas of landscape, biodiversity and geodiversity interest, not just areas of heathland.

There was also a short questionnaire distributed to all of the households in the District, this featured one question related to the natural environment which required the respondent to select from a list of development options which they thought should be given the highest and lowest priority. 31% of respondents thought that development which causes little change to the environment should be given the highest priority.

Main issues raised during the Preferred Options consultation (2006) (Preferred Policies 35 and 36: Nature conservation and biodiversity national importance and Nature conservation and biodiversity regional/local importance):

- Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites do not need to be included in the policy (contrary to PPS9).

SPAs, SACs and Ramsar sites have been removed from the policy in accordance with PPS9 (para. 6).

- No development should be allowed on any areas of importance.

The presumption of the policy is, and always has been, against development which will have a material adverse impact on the types of sites listed, however development cannot be precluded completely as some flexibility is required to deal with development of overriding national need or development which will not have an adverse impact on the site.

- Consult CPRE and Natural England.

CPRE and Natural England have been consulted at every stage of the Core Strategy preparation process and Natural England are consulted on all planning applications which may have an impact on SPAs, SACs, Ramsar sites and SSSIs.

- UK BAP and local BAP habitats need to be added to the policy.

These types of habitats have been added to the list of protected habitats in the upcoming development control policies on nature conservation.

- Policy replicates Government guidance and doesn't need to be included.

It is not felt that the policy replicates Government guidance, policy CS3 fulfils the criteria set out in PPS9 (para. 4 and 5).

- Amend the wording of the last paragraph to state "will only be acceptable where an overriding national need, including Defence needs for development in the particular location..." to address the MoD's requirements.

No amendment was made to nature conservation policies (CS or DC) as it is felt that they did not preclude development at MoD bases, providing it can be proved that there is an overriding national need. The Core Strategy policy (along with the upcoming Development Control policies) seeks to

offer further protection to sites designated for their conservation importance, following the removal of Crown Immunity MoD applications must now be decided in the same way as all other applications.

- Delete “material” from the first line and “acceptable” from line 13.

The wording can not be amended as they form part of a phrase in planning law.

- The policy fails to recognise that it is possible to mitigate against the loss of land designated as SPA.

In accordance with PPS9 the policy no longer makes reference to European designated sites (SPA, SAC and Ramsar), where nationally or internationally important sites are concerned advice on mitigation measures will always be sought from Natural England.

- Reference needs to be made to the importance of ecological networks. Habitats should be safeguarded where they contribute to local / regional ecological networks and opportunities should be taken to repair and strengthen such networks, in accordance with PPS9 (12).

Policy CS2 specifically mentions the importance of maintaining and enhancing ecological networks and green infrastructure provision, this includes safeguarding habitats which contribute to ecological networks.

- Policy needs to consider the ecological value of sites that have been previously developed (brownfield sites) or other non BAP habitats and species, this needs consideration and incorporating into these policies.

The policy includes the need to consider the ecological value of non-BAP habitats and species, there is a new (2008) Urban BAP which will include most brownfield land.

Main issues raised during the Final Policy Option consultation (2008) (Policy CS3- Natural Environment):

- The map should include a title and explanation of the acronyms used.

The submission policy includes both a title for the map and definitions of the acronyms in the map legend.

- The policy is too prescriptive. It is unreasonable to propose that green infrastructure enhancement and provision should be promoted on “all” new developments. In some circumstances this will not be practical or technically possible and the wording should be changed to reflect this.

It is not felt that policy CS2 is too prescriptive, provision of green infrastructure is an important aspect of any new development, and it is questionable if new development should be occurring without the necessary green infrastructure provision. It will always be “technically” possible to provide some form of green infrastructure and there will be very few occasions where this is not “practical”. Appropriate provision could include a combination of on site measures and off site measures.

- The paragraph after the bullet points is a little ambiguous. It is stated that improvements to the natural environment “could improve brownfield sites”, there is a new UK Urban BAP so some brownfield sites do fall into this category. Also the example of brownfield sites implies they might have an existing biodiversity value, so these are not technically “poor or lacking in diversity”.

The paragraph has been clarified in the final version of the policy, reference to brownfield sites being “poor or lacking in diversity” has been revised due to the introduction of the new (2008) UK Urban Biodiversity Action Plan (BAP), reference to the new BAP is now also included.

- The policy should be amended to bring it in to line with PPS9, which takes a hierarchical approach to the protection of areas of ecological significance. The policy as currently drafted indicates that a uniform level of protection will be applied to all such areas, whether they are SSSIs or of more local interest, and such an approach would not comply with PPS9.

No change to the policy is necessary, policy CS2 of the Core Strategy sets out the ‘overall strategy’ for designated sites and green infrastructure in Forest Heath, the hierarchy of protection will be delivered through the development control policies on nature conservation.

- Wording of the sixth bullet point should be improved to read: “Using Landscape Character Assessment to inform development decisions (or the development process) within the District; and”. Landscape Character Assessment cannot inform development (an inanimate object) but should inform thinking about development by both the developer and the District Council.

The policy has been revised to clarify the sixth bullet point.

- Policy CS2 should include a statement to the effect of: “a more flexible approach to development opportunities in areas like the River Lark corridor could also produce significant gains in green infrastructure and the natural environment”.

It was not felt that it was necessary or appropriate to include such a statement in CS2, the boundary of the River Lark corridor (and other such ‘corridors’) are not defined in the Core Strategy and are included as an example of the type of enhancement and improvement projects which would be supported. There is no need to have a more flexible approach to development in these areas, if anything a more rigid control over development in these areas would be more appropriate.

- The policy could be expanded to refer to the potential environmental benefit from agri-environment schemes (RSS policy ENV4).

A bullet point has been added to the list to include the ‘promotion of agri-environment schemes which increase the landscape, historic and wildlife value of farmland, increase public access (where appropriate) and reduce diffuse pollution.

- ‘Natural Environment’ should be reworded as ‘Natural and Historic Environment’. Alternatively, an entirely new policy should be included on the ‘Historic Environment’. PPG15, PPG16 and RSS ENV6 should be included in the policy conformity box for a ‘Historic Environment’ policy.

The historic environment is dealt with elsewhere in the Core Strategy.

Evolution of Policy

Issues and Options

The Core Strategy policy on the natural environment emerged from the Core Strategy Issues and Options ‘Environmental Resources’ section. This section raised a number of issues around the environmental resources of the District, including landscape character, biodiversity, woodlands, historic environment and agriculture, land and soils. These translated into five questions under the heading environment in the long Issues and Options questionnaire (which was sent to stakeholders and individuals on the consultation database) and one question on the short Issues and Options

questionnaire (which was sent to every household in the District). The issues and questions are listed below.

30	Landscape Character
Issue	<ul style="list-style-type: none"> The District does not have any countryside currently designated as being of national importance. However, there is still the need to protect it from inappropriate development. The District does contain both Breckland and fen, which gives the potential to make significant contributions towards achieving regional priority habitat targets for the creation of more lowland grass and heath, and reed beds and fens. Should specific areas of large scale (greater than 200 ha) habitat restoration be identified in Forest Heath in response to RSS Policy ENV3? Are there any regionally important geological/geomorphological sites (RIGS) that should be identified in Forest Heath?
31	Biodiversity
Issue	<ul style="list-style-type: none"> The District has a significantly higher proportion of its area designated as sites of special scientific interest (SSSI) than any other local authority in Suffolk. This is illustrated in Map 9.2 Environmental Assets in the draft Regional Plan. 72% of the rare species identified in the Suffolk Biodiversity Action Plan are found in the District. The District has a vital role to play in safeguarding and enhancing biodiversity. Are there any important wildlife corridors which need to be identified in Forest Heath?
32	Woodlands
Issue	<ul style="list-style-type: none"> The District has an above average amount of woodland. However, the vast majority is commercial coniferous forest and only a small amount is designated as ancient woodland. Although Thetford Forest is designated as a SSSI, this is primarily because clear felled areas provide a temporary habitat for rare birds. It would be preferable from a biodiversity aspect if the SSSI was permanently restored to heathland.
33	The Historic Environment
Issue	<ul style="list-style-type: none"> The draft Regional Plan cites the exceptional network of historic market towns as being 'especially significant in the East of England'. Within the District this applies to Brandon, Mildenhall and Newmarket. Newmarket is particularly unique being the only place in the world where there are still horse racing stables operating in and around the town centre. In very exceptional circumstances, should permission be granted for development, which would not usually be acceptable, in order to secure and enable the proper repair of a listed building.
34	Agriculture, Land and Soils
Issue	<ul style="list-style-type: none"> 30% of all agricultural land in the District is designated as grade 1 or 2 high quality, mainly in the fenland, western part, but only 4% is farmed organically. National policy is to protect high quality agricultural land from irreversible damage such as permanent built development. Agricultural land within the brecks was originally heathland and its restoration back to heathland would be in accordance with the regional priority habitat targets.
35	Air Quality
Issue	<ul style="list-style-type: none"> Currently there are no significant areas of air pollution in the District which require designation of an air quality management area, despite higher than average car dependency.
36	Renewable Energy and Energy Efficiency
Issue	<ul style="list-style-type: none"> The draft Regional Plan sets regional targets for the contribution of renewables to total electricity consumption. It is appropriate to apply this target at District level? There is no significant renewable energy currently being produced in Forest Heath. However, it is possible that Forest Heath residents/employers are consuming the target levels of renewable energy produced elsewhere in the UK. The draft Regional Plan requires all development greater than 1,000 sq m or 50 dwellings to incorporate equipment for renewable power generation to provide at least 10% of its predicted energy requirement. It will be up to local planning authorities such as FHDC to ensure that predictions are realistic, equipment is installed and working, and targets being achieved.
37	Water Supply, Management and Drainage
Issue	<ul style="list-style-type: none"> Can the Regional Water Resources Strategy be applied at District level to determine the amount of new development to plan for? For what type and scale of development should the introduction of water conservation measures be required?

	<ul style="list-style-type: none"> Is it possible to determine if Forest Heath is currently self-sufficient in water resources? How pertinent is this issue in determining the amount of development planned for the District? Should a priority order be given to the following competing needs for water resources: residents of new dwellings, industry/business, agriculture, leisure uses, wildlife? 21% of the District is currently designated by the Environment Agency as being as potential flood risk. Most of this relates to the fenland countryside and only a small proportion coincides with potential development sites. It is also important that new development does not put existing property at greater flood risk.
38	Minerals and Waste Management
Issue	<ul style="list-style-type: none"> Suffolk County Council will remain responsible for producing countywide mineral and waste development plan documents. The LDF proposals map will need to contain any District level allocations/designations from these documents. The District Council has responsibility for the operational aspects of waste management such as domestic and trade waste collection services.

The following questions related to the above issues featured in the long questionnaire:

Question	Environment
26	<p>Which of the following is more important to the Brecks landscape? (Select one answer only)</p> <p>a) Agricultural land and commercial woodland. b) Heathland, mainly for wildlife.</p>
27	Are there any important wildlife corridors in Forest Heath that need to be identified?
28	<p>Should the established use of horse racing land / buildings in Newmarket be protected in order to preserve the unique character and economy of the town?</p> <p>Yes/No</p>
29	Please suggest sites which you think would be suitable for the location of renewable energy developments.
30	<p>Given that there are competing demands for water resources, please choose the options below that you think should be given highest and lowest priority. (Select one for each priority)</p> <p>Residents and new dwellings Industry / business Agriculture Leisure Wildlife</p>

There was only one question related to the natural environment on the short questionnaire:

Question	
1	<p>What type of development do you think should be given the highest and lowest priorities? (Select one answer for each priority)</p> <p>Development which causes little change to the environment Development which promotes employment and jobs Development which focuses on housing needs Development which addresses the transport system in the area Development which focuses on sport and leisure facilities</p>

These question raised the main issues listed above.

Workshops

There were four workshops and three exhibitions (one which ran for the whole consultation period) held during the Issues and Options consultation stage, these are listed below:

Workshops:

- Council Offices, Mildenhall- 26th September 2005
- Brandon Community Centre- 29th September 2005
- Newmarket Memorial Hall- 7th October 2005
- Red Lodge Millennium Centre- 12th October 2005

Exhibitions:

- Council Offices, Mildenhall (whole consultation period 16th September to 31st October 2005)
- Rookery Shopping Centre, Newmarket (27th September 2005)
- Community Centre, Brandon (5th October 2005)

There were five workshops held during the Preferred Options consultation stage, these are listed below:

- Lakenheath Royal British Legion- 10th November 2006
- Red Lodge Millennium Centre- 15th November 2006
- Newmarket Stable Mews Function Room- 21st November 2006
- Mildenhall Bus Station- 24th November 2006
- Brandon Library Foyer- 30th November 2006

Preferred Options

Consultation responses, workshop feedback and national and regional policy guidance contributed to the production of two Preferred Options policies (Preferred Policy 35: Nature conservation and biodiversity national importance and Preferred Policy 36: Nature conservation and biodiversity regional/local importance) shown below:

Preferred Policy 35: Nature conservation and biodiversity national importance

Development, which would have a material adverse impact on:

- a) Ramsar' sites;
- b) Special Protection Areas established in accordance with the EU directive on the conservation of wild birds (79/409/EEC);
- c) Special Areas of Conservation established in accordance with the EU directive on the conservation of natural habitats and wild flora and fauna (92/43/EEC);
- d) National Nature Reserves;
- e) Sites of Special Scientific Interest;
- f) Sites proposed for the above designations;
- g) Sites supporting species protected by specific legislation and species listed in Red Data Books and the UK Biodiversity Action Plan (nationally rare species)

will only be acceptable where an overriding national need for development in the particular location can be demonstrated and there is a lack of acceptable alternative sites. Where development proceeds because of an overriding national need, significant habitat creation measures and/or improved management measures for existing habitats will be required.

Preferred Policy 36: Nature conservation and biodiversity regional/local importance

Development will not be acceptable which would have a material adverse impact on regionally and locally important habitats, in particular:

- a) County Wildlife Sites;
- b) Regionally important geological or geomorphological sites, or sites proposed for such designations; and
- c) Sites supporting species listed in either the Suffolk or Forest Heath Biodiversity Action Plans.

The only exception to this policy will be where an overriding national or local need for development in the particular location can be demonstrated and there is a lack of acceptable sites. Significant habitat creation measures and/or improved management measures for existing habitats will be required.

These policies attracted 38 representations (19 to each policy) during the 2006 consultation, the main issues can be seen in the section above.

Final Policy Option

The representations to the preferred options consultation along with further reference to national and regional policy led to different elements of the above policies being split out to create one Core Strategy 'Natural Environment' policy and two Development Control policies (Sites of National Biodiversity/Geodiversity Importance and Sites of Regional and Local Biodiversity/Geodiversity Importance). The Core Strategy policy was consulted on during the 2008 final policy option consultation, this is shown below:

Final Policy Option CS3- Natural Environment

Areas of landscape, biodiversity and geodiversity interest and local distinctiveness within the District will be protected from harm and their restoration, enhancement and expansion will be encouraged and sought through a variety of measures. Links between such areas will also be sought. Measures will include:

- the designation of Local Nature Reserves, County Wildlife Sites and Regionally Important Geological/Geomorphological Sites;
- appropriate management of valuable areas (such as County Wildlife Sites);
- progress towards Biodiversity Action Plan targets (UK, Suffolk and Forest Heath BAPs);
- minimising the fragmentation of habitats, creation of new habitats and connection of existing areas to create an ecological network;
- promotion of Green Infrastructure enhancement and provision on all new developments;
- using Landscape Character Assessment to inform development within the District; and
- promotion of green corridor enhancement, such as improvement projects along the River Lark and Icknield Way.

Particular attention will also be paid to initiatives which will improve the natural environment where it is poor or lacking in biodiversity. This could include brownfield sites and other non-BAP habitats which can have important ecological value. The protection and management of these sites will be sought accordingly as they are identified and their importance established.

Continuing habitat creation and enhancement projects, such as heathland re-creation around Brandon Country Park and wetland and reedbed creation at the RSPB reserve at Lakenheath Fen, will continue to be supported. Where appropriate, attempts will be made to re-connect fragmented habitats with other existing areas.

Where mitigation measures are employed they will result in a net gain of biodiversity for the District. Proposals should also seek to incorporate:

- adequate and appropriate landscaping and natural areas informed by Landscape Character Assessment; and
- increased public access to the countryside through green corridors, these should create convenient and attractive links and networks between development and the surrounding area.

The policy attracted 27 representations, the main issues raised by these can be seen in the section above.

Supporting evidence base

Feedback from Statutory Consultees and Key Stakeholders

Two of the three statutory consultees made representations to the Issues and Options consultation, English Nature (now Natural England) welcomed the preference to restore Breckland forest and agricultural land to heathland. They also gave information on the problems which heath and wetland habitats were suffering from, these include air pollution on heaths and low water levels on wetlands. The Core Strategy has some control over these issues in relation to the impacts of new development and policies within the Core Strategy and other LDF DPDs aim to reduce these problems through development design and location. Finally English Nature advised that whilst recreation in the countryside is valuable for engaging people with wildlife, and is encouraged by EN, at the same time it can have negative effects on protected species such as the stone curlew (*Burhinus oedipnemos*). The impacts of increased recreation on protected species will be dealt with

in the development control policies DPD and site allocations DPD through measures such as the location of new development and the provision of new open space. The Environment Agency were the other statutory consultee to respond to this section of the Issues and Options, they suggested that the creation of wildlife habitats could be undertaken through the use of planning obligations for strategic development sites. This is practice which the District Council is developing, not just for strategic sites but for all sites, through the production of a 'Developer Contributions' Supplementary Planning Document (SPD).

Two key consultees also responded to the Issues and Options consultation, they were the RSPB and Suffolk Wildlife Trust (SWT). The RSPB recommended that the LDF should identify wildlife corridors that can be enhanced/ created within Forest Heath and that these should be part of a wider ecological network of corridors linked with neighbouring districts/regions, using the regional biodiversity opportunities map as a framework. They also suggested that although the majority of heathland loss can be attributed to either afforestation or arable farming, all three land uses make a contribution to the ecological importance of the Breckland and identifying one land use as being more important than the others is too simplistic a way of viewing the issue. The principle of ecological networks has been translated into the Core Strategy natural environment policy and the simplistic view on land use has been amended to take account of the more complex nature of the issue. SWT recommended that all rivers should be recognised as important wildlife corridors, the promotion of green corridors along rivers such as the Lark is recognised in the Core Strategy policy and will be further emphasised in the upcoming Green Infrastructure SPD which will include mapping of appropriate green corridors.

Natural England (formerly English Nature) and the Environment Agency were also the only statutory consultees to respond to the 2006 Preferred Options consultation. As detailed above there were two natural environment policies in this document and both organisations made representations to both policies. Natural England supported both policies but suggested that Local Nature Reserves were included in the list of designated sites, these have been added to the site hierarchy in the development control policies. The Environment Agency expressed support for both policies and made no further comment on their content.

Seven key consultees made representations to the Preferred Options consultation, these were the Government Office for the East of England (GO-East), the Suffolk Biodiversity Partnership, Suffolk County Council, Suffolk Wildlife Trust, RSPB, the Woodland Trust and Norfolk County Council. GO-East reminded the Council that Ramsar sites, SPAs and SACs didn't need to be included in the hierarchy of protected sites, also they suggested that criterion (g) of PP35 is necessary. The three European designated sites have been removed from the hierarchy in the DC policies, however part of element g has been retained as PPS9 only includes reference to species protected under European legislation, not species only protected under UK law. Suffolk Biodiversity Partnership suggested that UK BAP Habitats and Local BAP habitats needed to be included in the hierarchy list, they also felt that brownfield sites should be included within the policies. UK and Local BAP Habitats have been added to the list in the development control policies and reference has been made the possible importance of brownfield sites. Suffolk County Council also pointed out that the policy did not include reference to UK and Local BAP Habitats, this has now been added. SWT also identified that UK and Local BAP Habitats need to be included, they also suggested that reference needs to be made to the importance of ecological networks and that opportunities should be taken to repair and strengthen such networks. Reference to the creation, protection and enhancement of ecological networks is included in the Core Strategy 'Natural Environment' policy. The RSPB simply expressed support for the policies without making further comment. The Woodland Trust suggested that ancient woodland be added to the list of types of site covered by the policy as the loss of ancient woodland cannot be mitigated against, ancient woodland is now included on the list in the development control policies. Finally Norfolk County Council felt that the policies and supporting text did not have enough regard to plans and policies relating to the protection and preservation of Norfolk's wildlife and natural designations, they felt that a specific mention of the need to protect wildlife and nature designations within adjoining

authorities should be set out within the policy, it is felt that the policies do have adequate regard for neighbouring authorities' plans and policies without the need to emphasise this point in the policy.

Natural England and the Environment Agency both also made representations to the 'Final Policy option' consultation. NE fully supported the principles set out in the policy, but suggested that the wording of the sixth bullet point could be improved by altering it to "using Landscape Character Assessment to inform development decisions (or the development process) within the District". This amendment has been made in the submission version of the policy. The EA simply expressed support for the policy without offering any further comment.

Five key consultees made representations on Final Policy Option policy CS3, these were GeoSuffolk, GO-East, SWT, the East of England Regional Assembly (EERA) and SCC. Similarly to the EA, GeoSuffolk simply expressed support for the policy without offering further comment on its contents. GO-East also supported the inclusion of such a policy but advised that the accompanying map should include a title and definitions of the acronyms used, these have been included in the submission version of the document. SWT expressed support for the policy but also suggested that the paragraph after the bullet points needed clarification in the light of the new (2008) UK Urban BAP, these suggestions have been noted and the appropriate amendments have been made to the submission policy. EERA recommended that the policy should be expanded by the inclusion of reference to the potential benefit from agri-environment schemes, this would be in accordance with RSS policy ENV4, the submission version of the policy has been amended to include this reference. Finally SCC suggested that the policy be expanded to include the historic environment as well. However it was not felt that it would be appropriate to include the historic environment in this policy, it is included elsewhere within the submission version of the Core Strategy.

Written Evidence Bases

Background information:

SSSI citations, SPA and SAC citations, CWS register of sites. These were used to establish the reason for designation and condition of the various designated sites within Forest Heath.

Studies (still in draft):

Infrastructure and Environmental Capacity Appraisal, Greenspace Strategy, PPG17 Open Space, Sport and Recreation Assessment, County Wildlife Site re-surveys.

Government Guidance

As detailed above (National Guidance) the following Government guidance has been used in the preparation of policy CS2 Natural Environment:

[PPS7- Sustainable Development in Rural Areas \(2004\)](#)

[PPS9- Biological and Geodiversity Conservation \(2005\)](#)

[PPS9 Companion Guide- Planning for Biological and Geological Conservation: A Guide to Good Practice \(2006\)](#)

[PPS12- Local Spatial Planning \(2008\)](#)

[Circular 06/2005- Biodiversity and Geological conservation- Statutory obligations and their impact within the planning system \(2005\)](#)

Final Policy and Reasons

The representations to the Final Policy Option consultation along with further reference to national and regional policy led the formation of the Proposed Submission policy. The Core Strategy policy was consulted on during the 2009 proposed submission consultation, the policy is shown below:

Policy CS2

Natural Environment

Areas of landscape, biodiversity and geodiversity interest and local distinctiveness within the District will be protected from harm and their restoration, enhancement and expansion will be encouraged and sought through a variety of measures. Links between such areas will also be sought. Measures will include:

- the designation of Local Nature Reserves (LNR), County Wildlife Sites (CWS) and Regionally Important Geological/Geomorphological Sites (RIGS);
- appropriate management of valuable areas (such as County Wildlife Sites);
- progress towards Biodiversity Action Plan targets (UK, Suffolk and Forest Heath BAPs);
- minimising the fragmentation of habitats, creation of new habitats and connection of existing areas to create an ecological network;
- promotion of Green Infrastructure enhancement and/or provision on all new developments;
- using Landscape Character Assessment (LCA) to inform development decisions within the District;
- promotion of green corridor enhancement, such as improvement projects along the River Lark and Icknield Way; and
- promotion of agri-environment schemes which increase the landscape, historic and wildlife value of farmland, increase appropriate public access and reduce diffuse pollution.

Particular attention will also be paid to initiatives which will improve the natural environment where it is poor or lacking in diversity, this could include brownfield sites or non-BAP habitats. The protection and management of these sites will be sought accordingly as they are identified and their importance established.

Continuing habitat creation and enhancement projects, such as heathland re-creation around Brandon Country Park and wetland and reedbed creation at the RSPB reserve at Lakenheath Fen, will continue to be supported. Where appropriate, attempts will be made to re-connect fragmented habitats with other existing areas.

Where mitigation measures are employed they will result in a net gain of biodiversity for the District. Proposals should also seek to incorporate:

- adequate and appropriate landscaping and natural areas informed by Landscape Character Assessment; and
- increased public access to the countryside through green corridors, these should create convenient and attractive links and networks between development and the surrounding area.

New built development will be restricted within 1,500m of certain components of the Breckland SPA to ensure that there are no significant adverse effects on the qualifying features (see Figure 3). Development in these areas will require a project level Habitats Regulations Assessment (HRA) to prove that the development will not have an adverse effect on the SPA qualifying features.

Where new development is proposed within 400m of certain components of the Breckland SPA a project level Habitats Regulation Assessment (HRA) will be required to prove that the development will not have an adverse effect on the SPA's qualifying features (see Figure 3).

New road infrastructure or road improvements will not be allowed within 200m of sites designated as SACs in order to protect the qualifying features of these sites (see Figure 3).

New development will also be restricted within 1,500m of any 1km grid squares which have supported 5 or more nesting attempts by stone curlew since 1995. Development within these areas will require a project level HRA to prove that development will not have an adverse effect on this particular Breckland SPA qualifying feature (see Figure 3).



