Minerals and Waste Local Plan Publication Stage Representation Form

Page 1: Suffolk Minerals and Waste Local Plan Publication Stage Representation

Q1. Please state if you are responding:

| As an agent |

Q2. Personal Details:

| No Response |

Q3. Agent's Details:

<table>
<thead>
<tr>
<th>Title</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name</td>
<td>Farah</td>
</tr>
<tr>
<td>Last Name</td>
<td>Chaudry (received via email)</td>
</tr>
<tr>
<td>Job Title (where relevant - if this is not relevant, please write N/A)</td>
<td>Team Leader, Norfolk &amp; Suffolk</td>
</tr>
<tr>
<td>Organisation (where relevant - if this is not relevant, please write N/A)</td>
<td>Natural England</td>
</tr>
<tr>
<td>Address Line 1</td>
<td>Hornbeam House</td>
</tr>
<tr>
<td>Address Line 2</td>
<td>Crewe Business Park</td>
</tr>
<tr>
<td>Address Line 3 (if this is not required, please write N/A)</td>
<td>Electra Way</td>
</tr>
<tr>
<td>Address Line 4 (if this is not required, please write N/A)</td>
<td>Crewe</td>
</tr>
<tr>
<td>Post Code</td>
<td>CW1 6GJ</td>
</tr>
<tr>
<td>Telephone Number (if you do not wish to provide this information, please write N/A)</td>
<td>[redacted]</td>
</tr>
<tr>
<td>Email address (where relevant - if this is not relevant, please write N/A)</td>
<td>[redacted]</td>
</tr>
<tr>
<td>Name and address of the person or organisation you are acting as an agent for</td>
<td>Natural England</td>
</tr>
</tbody>
</table>

Q4. To which part of the Local Plan does this representation relate?

| No Response |

Q5. Do you consider the Local Plan is

| No Response |
Q6. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

See attachment

Q7. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

No Response

Q8. SCC Response

No Response

Q9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Q10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

No Response

Q11. Your details:

<table>
<thead>
<tr>
<th>Name</th>
<th>F Chaudry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>23 July 2018</td>
</tr>
</tbody>
</table>
Dear Graham

Planning consultation: Suffolk Minerals & Waste Local Plan – Submission Draft

Thank you for your consultation on the above which was received by Natural England on 08 June 2018.

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.

Summary

It is our opinion that the Local Plan is unsound as it is not supported by a satisfactory, legally compliant Habitats Regulations Assessment (HRA). In addition, we consider site allocation 8 at Barham to be unsound as it is not compliant with national policy relating to SSSIs and allocation 14 at Wangford to be unsound as it is not compliant with national policy relating to AONBs.

We have previously made comments on Suffolk Minerals and Waste Local Plan Preferred Options (see our ref: 230237/230240); this response is appended for convenience. Our advice still applies where no change has been made to the Submission Draft.

We have the following comments to make on the submission documents:

Strategic Habitats Regulations Assessment

Since the Plan contains site-specific information, we expect to see a consideration of the likely significant effects and, where appropriate, adverse effects on the integrity of internationally designated site features, alone or in combination for each of those proposed quarries/waste disposal sites which are either within or in the vicinity of international sites. For individual site allocations, the Local Plan should set out the mitigation measures required (cross-referencing to the HRA) as well as indicating the need for detailed project level HRA. The current HRA defers all assessments ‘down-the-line’ to project level HRA (Appendix 3) which is unsatisfactory.

We understand that the HRA is currently being revised and we are happy to provide comments on the updated version when available.

A recent judgment from the Court of Justice of the European Union (Case C-323/17 People Over Wind v Coillte Teoranta) has provided authoritative interpretation relating to the use of mitigation measures at the screening stage of a Habitats Regulations Assessment. The judgment concluded...
that it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site. However, when determining whether the plan or project will have an adverse effect on the integrity of the European site at appropriate assessment, a competent authority may take account of those avoidance and mitigation measures.

The Local Planning Authority, as competent authority for the Minerals and Waste Local Plan, should consider this judgment when undertaking the HRA screening under the Conservation of Habitats and Species Regulations 2017 and may wish to take its own legal advice on the implications of the judgment.

**Sustainability Appraisal**

We consider that the Sustainability Assessment (SA) process has been undertaken satisfactorily but we have some comments to make on the findings as follows:

*Table 4:* We suggest changing the wording for assessing impacts for biodiversity from “statutory habitat sites” to SSSI’s, SAC’s, SPAs and Ramsar sites. The wording is misleading as there are SSSI’s which are designated for species and for geology which wouldn’t be covered by this definition.

*Policy MP1:* The SA identified that there will be negative effects on landscape for Policy MP1 but no mitigation measures are proposed. We advise that mitigation measures need to be identified where there is potential to impact on nationally designated landscapes, i.e. AONBs.

*Policy MS1: Barham:* We would like some clarity regarding the Sustainability Appraisal for Policy MS1. Section 9.2.1 states that the Policy can be seen to address impacts on Sandy Lane Pit Barham SSSI suitably; *Table 38* shows a positive score for biodiversity/geodiversity, however *Table 51: Site appraisal for Barham allocation* shows the Sustainability Impact to be negative for biodiversity/geodiversity. There appears, therefore, to be a contradiction in relation to the findings of the SA in relation to this policy.

*Policy MS7: Wangford:* We would like some clarity regarding the Sustainability Appraisal for Policy MS7. *Table 44: Impact on Sustainability Objectives: Policy MS7* shows a positive score for the landscape/townscape objective whereas *Table 57: Site appraisal for Wangford allocation* indicates a negative outcome for the landscape/townscape objective. There appears, therefore, to be a contradiction in relation to the findings of the SA in relation to this policy also.

We agree with the conclusions regarding the Impacts per Sustainability Objective/Theme for landscape and biodiversity/geodiversity in that negative effects for these themes cannot be ruled out. We agree with the recommendations for changes to the Plan where these refer to HRA.

**Minerals and Waste Local Plan Submission Draft Report**

**General policies**

**Policy GP4 General environmental criteria**

We suggest adding the following text to ensure that the Local Plan is compliant with Habitats Regulations: ‘Any development that would be likely to have a significant effect on a European site, either alone or in combination with other plans or projects, will be subject to assessment under the Habitats Regulations at project application stage. If it cannot be ascertained that there would be no adverse effects on site integrity the project will have to be refused or pass the tests of Regulation 62, in which case any necessary compensatory measures will need to be secured.’
Policy MP6: Progressive working and restoration

We are pleased to see that preference will be given to restoration proposals that incorporate a net gain for biodiversity primarily through the creation or enhancement of Priority Habitats and linkages to local ecological networks.

Proposed Minerals Sites

It is our opinion that the phrase which appears at the head of the site specific policies: ‘Development will be acceptable so long as the proposals, adequately address the following:’ could be clarified (and has an unnecessary comma) and we suggest replacing with ‘Development will be permitted providing that planning applications provide sufficient evidence to demonstrate that the following aspects have been addressed satisfactorily:’.

We consider that the wording of those plan policies which may affect designated sites should be strengthened and clarified to make them sound and fully consistent with paragraph 118 of the NPPF. NPPF para 118 refers to ‘an adverse effect on the site’s notified special interest features’ whereas the Plan policies refer to potential impacts being adequately addressed. It is our opinion that the effects on the designated features should be the key aspect of the impact assessment. We have suggested alternative wording for the sites as required (see below).

Policy MS1: Barham

The proposed southern extension to Barham Quarry includes a section of Sandy Lane Pit, Barham SSSI which is notified for its quaternary geology.

We consider the allocation 8. Barham is not consistent with the objectives of paragraph 118 of the NPPF and is therefore unsound because the proposal to backfill with inert materials within the SSSI would prevent access to the notified interest feature and would render the SSSI in effect ‘part destroyed’. Natural England’s concerns would be overcome if we had confirmation that there will be no backfilling within the SSSI boundary.

The policy text mentions d) potential impacts upon natural history interests including Sandy Lane Pit Barham SSSI; note that the SSSI is designated for its geology not its biodiversity, so the policy should be re-written to state d) potential impacts on geological interest features of Sandy Lane Pit, Barham SSSI and the biodiversity interest of Oak Wood/Broomwalk Covert County Wildlife Site etc.

Policy MS2: Barnham

We suggest that the dates of the stone-curlew nesting season are included for clarity, i.e. March to September.

We advise amending the wording in relation to nature conservation to include the following:

j) likely adverse effects (either individually or in combination with other developments) on the notified special interest features of Breckland SPA, Breckland SAC, Breckland Farmland/Little Heath, Barnham/Theford Heaths SSSIs,… etc.

Further information on any required avoidance/mitigation measures at this site should be provided within the Plan (cross-referencing to the HRA) as well as indicating the need for detailed project level HRA.

Policy MS4: Cavenham
We advise amending the wording in relation to nature conservation to include the following:

e) likely adverse effects (either individually or in combination with other developments) on the notified special interest features of Breckland SPA, Breckland SAC, Breckland Farmland/Cavenham-Icklingham Heaths SSSIs and Cavenham Heath NNR…. etc.

Further information on any required avoidance/mitigation measures at this site should be provided within the Plan (cross-referencing to the HRA) as well as indicating the need for detailed project level HRA.

Policy MS7: Wangford

We consider the plan allocation at Wangford is not fully consistent with the objectives of paragraph 116 of the NPPF and is therefore unsound because insufficient justification has been presented to allow us to conclude that this site presents ‘exceptional circumstances’ for major development within an AONB. In particular, there needs to be a description of the alternatives that have been considered, such as winning the minerals from outside the AONB or meeting the need for the product in some other way.

The Outline Landscape and Visual Appraisal (Cemex 2017, Appendix 2) states that there would be a permanent alteration and large change to the landform and that effects on tranquillity during the operation of the site ‘should not be underestimated’. We consider that appropriate and effective mitigation for landscape and visual impacts is difficult to achieve in this sensitive landscape and the mitigation itself, i.e. screening bunds, will have their own adverse impact. We agree with the comments of the AONB Partnership in relation to this site.

Natural England’s concerns would be overcome if it could be clearly demonstrated that this allocation presented exceptional circumstances which were commensurate with the national designation, no satisfactory alternatives exist and that satisfactory mitigation for adverse impacts at all stages of the proposal could be achieved.

We advise amending the wording in relation to nature conservation to include the following:

d) likely adverse effects (either individually or in combination with other developments) on the notified special interest features of Minsmere-Walberswick SPA/Ramsar site, Minsmere to Walberswick Heaths & Marshes SAC, Minsmere-Walberswick Heaths & Marshes SSSI and Suffolk Coast NNR,… etc.

Further information on any required avoidance/mitigation measures at this site should be provided within the Plan (cross-referencing to the HRA) as well as indicating the need for detailed project level HRA. Note that in the policy, point d) includes Suffolk AONB under nature conservation interest. The AONB designation is primarily for landscape and visual attributes and we advise that reference to the AONB is removed from this point.

Policy MS9: Wherstead

We advise amending the wording in relation to nature conservation to include the following:

c) likely adverse effects (either individually or in combination with other developments) on the notified special interest features of Freston and Cutler’s Woods with Holbrook Park SSSI.. etc.’

Policy MS10: Worlington

We advise amending the wording in relation to nature conservation to include the following:
a) 'likely adverse effects (either individually or in combination with other developments) on the notified special interest features of Red Lodge Heath SSSI…. etc.'

Proposed Waste Sites

Policy WS1: Sizewell A Nuclear Power Station

We advise amending the wording in relation to nature conservation and protected landscapes to include the following:

b) likely adverse effects (either individually or in combination with other developments) on the notified special interest features of Sizewell Marshes SSSI, Leiston-Aldeburgh SSSI, Sandlings SPA, Minsmere-Walberswick Heaths & Marshes SSSI, Minsmere-Walberswick SPA/Ramsar, Minsmere to Walberswick Heaths & Marshes SAC, …. etc.

c) Detailed assessment of the impacts on the special qualities of Suffolk Coast & Heaths AONB and on Suffolk Heritage Coast; mitigation of identified landscape and visual impacts and reinstatement which is in keeping with local landscape character.

We do not wish to participate at an oral examination but are happy to provide further written advice if required.

Yours sincerely

Farah Chaudry
Team Leader
Norfolk & Suffolk
Dear Graham

Planning consultation: Suffolk Minerals & Waste Local Plan Preferred Options Consultation and Habitats Regulations Assessment

Thank you for your consultation which was received by Natural England on 30 October 2017.

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.

Our comments on the Suffolk Minerals & Waste Local Plan Preferred Options Consultation are given in Annex A. Our comments on the Habitats Regulations Assessment are provided in Annex B. Please note that at this stage, we are not able to provide detailed comments on protected species, noise and air quality impacts etc. for individual sites. We have provided standing advice for protected species here.

Should the developer wish to explore options for avoiding or mitigating effects on the natural environment with Natural England, we recommend that they use our Discretionary Advice Service.

If you have any queries relating to the advice in this letter please contact me on 01284 735236.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Alison Collins
Norfolk & Suffolk Area Team

Annex A: Suffolk Minerals & Waste Local Plan Preferred Options Consultation
**General comments**

Mineral and waste sites present significant opportunities for positive benefits to landscape, geodiversity and biodiversity in the long term, accounting for their size and ability to alter landforms and create bespoke habitats. We expect that schemes should be designed from the outset to avoid or minimise significant impacts and maximise future environmental gains.

**Impact assessment**

Where minerals and waste schemes are likely to have an effect on protected landscapes and/or designated sites, detailed impact assessments at the application stage must be based on robust and up-to-date survey information and evidence. Note that any proposal which may affect a European designated site must go through a project-level Habitats Regulations Assessment in addition to a plan-level HRA. We expect that developers will comply with good practice, such as measures to suppress dust and prevent dust–blow (which could affect the vegetation and soils of nearby designated sites) and the handling of soils. Further information on soils can be found in the Defra Guidance for Successful Reclamation of Mineral and Waste sites and Good Practice Guide for Handling Soils.

**Landscape information**

Several proposed sites are within protected landscapes or in their setting. Information on the protected landscape can be found in the AONB’s statutory management plan. In addition, Natural England has produced information on landscape character types in our Natural Character Areas publications https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making. The Suffolk Local Landscape Character Assessment is a helpful guide to each landscape character’s sensitivity and its capacity to accommodate the proposed development.

**Designated sites information**

Further information on Natural England's data relating to the natural environment is available as follows: https://www.gov.uk/guidance/how-to-access-natural-englands-maps-and-data

**Restoration aims**

Natural England expects that all minerals and waste developments should achieve a net gain for nature primarily through the creation or enhancement of Priority Habitats and linkages to local ecological networks. We advise that, in general, a restoration scheme should contain the following:

i. restoration objectives which clearly describe how the scheme contributes to net gain for geodiversity and/or biodiversity, within a recognisable landscape context
ii. direct ecological links to any existing habitats, green infrastructure networks etc.
iii. access links to Public Rights of Way, national trails including the England Coast Path (ECP), where appropriate.

**Agri-environment schemes**

Minerals sites may be under existing Higher Level Stewardship agreements before minerals are extracted and may be returned to agricultural use following landfilling. We advise early contact by agreement holders with Natural England to discuss individual cases so that any payments can be amended accordingly.

**Local Sites**

We advise consultation with GeoSuffolk and Suffolk Wildlife Trust for information and advice about Local Sites of geodiversity and biodiversity interest, e.g. RIGGS and CWS.

**Soils**

The Minerals Local Plan should give appropriate weight to the roles performed by the area’s soils. These should be valued as a finite multi-functional resource which underpins our well-being and prosperity. Decisions about minerals development and restoration should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver. Plan policies should therefore take account of the impact on land and soil resources and
the wide range of vital functions (ecosystem services) they provide in line with paragraph 17 of the NPPF.

Where minerals underlie the best and most versatile agricultural land (Grades 1, 2 and 3a in the Defra ALC system) it is particularly important that restoration and aftercare preserve the long-term potential of the land as a national, high quality resource. Where alternative after-uses (such as forestry and some forms of amenity, including nature conservation) are proposed on the best and most versatile agricultural land, the methods used in restoration and aftercare should enable the land to retain its longer-term capability, thus remaining a high quality resource for the future.

**Comments on policies**

We have the following comments to make in connection with the following draft policies:

i) **Policy GP4 General environmental criteria**

We have no additions to make to the list of criteria but we query the use of the phrase ‘where appropriate’ as this seems to provide a level of uncertainty. We suggest adding the following text to ensure that the Local Plan can achieve a favourable HRA at this stage: ‘Any development that would be likely to have a significant effect on a European site, either alone or in combination with other plans or projects, will be subject to assessment under the Habitats Regulations at project application stage. If it cannot be ascertained that there would be no adverse effects on site integrity the project will have to be refused or pass the tests of Regulation 62, in which case any necessary compensatory measures will need to be secured.’

**Comments on proposed minerals sites**

Where we have not commented on a proposed site, you may assume that we have no comment to make. This does not mean, however, that there are no impacts for biodiversity or landscape. Numbering follows that in the report.

8. **Barham**

The proposed southern extension to Barham Quarry appears to include a section of Sandy Lane Pit, Barham SSSI which is notified for its quaternary geology.

We note that the plan states that Restoration would entail the importation of inert fill materials, but would need to maintain access to the geological deposits that the SSSI is noted for (section 8.2). For clarity, we have no objection to the quarrying operations within the SSSI but we would have serious concerns about a proposal to backfill with inert materials within the SSSI as it would prevent access to the notified interest feature and would render the SSSI in effect ‘part destroyed’. Rather, we are looking for restoration and after-use post extraction that maintains access to the geological deposits that the SSSI is notified for. In the case of this SSSI, it isn’t necessary to keep the fairly soft sands and gravels bare of vegetation. This is acceptable whilst permitted extraction is continuing but post extraction, we advise the former pit faces need to have a light covering of herbaceous vegetation to stop them eroding, i.e. we are looking for the faces to be kept in a way that allows easy re-exposure when necessary. We therefore seek confirmation that there will be no backfilling within the SSSI boundary.

We do not have any concerns with the northern expansion of the quarry.

9. **Barnham**

The extension to this quarry lies entirely within Breckland Farmland SSSI which is designated for its
population of breeding stone curlew and is a component of Breckland SPA (designated for breeding stone curlew, nightjar and woodlark). It is situated adjacent to Breckland SAC (designated for vegetation communities), Thetford Heath SSSI, Thetford Heath NNR which are components of Breckland SAC, and Little Heath, Barnham SSSI (designated for stone curlew and dry grassland communities) which is a component of Breckland SPA.

The proposed extension represents a considerable increase in the area of the existing permitted quarry and without avoidance and mitigation measures would significantly impact adversely on designated features, such as breeding stone curlew. However, in principle, we have no objection to the extension subject to further information being provided which demonstrates that impacts to designated features have been avoided where possible and mitigation measures put in place for those impacts which cannot be avoided and monitoring to ensure the measures are effective. Ideally, the proposal should provide a net benefit to biodiversity, particularly notified features, following restoration. Several mitigation measures were agreed for the existing quarry and we suggest that these measures should be considered for the extension, for example avoidance of activities during the stone curlew breeding season, making the land available for breeding stone curlew during the breeding season, where appropriate temporarily sowing areas with crops to discourage stone curlew nesting and minimising vehicle movements. The impact assessment should also provide evidence that there will be no adverse effects on the nationally and internationally designated features from dust blow, changes to hydrology etc.

We would like to be involved in discussions at all stages.

11. Cavenham

The proposed extension to this quarry lies entirely within Breckland Farmland SSSI/Breckland SPA. It is immediately adjacent to Breckland SAC, Cavenham-Icklingham Heaths SSSI and Cavenham Heath National Nature Reserve.

The proposed extension represents a considerable increase in the area of the existing permitted quarry and without avoidance and mitigation measures would significantly impact on designated features, including breeding stone curlew. However, in principle, at this stage we have no outright objection to the proposal subject to further information being provided which demonstrates that impacts to designated features have been avoided where possible and mitigation measures put in place for those impacts which cannot be avoided and monitoring to ensure the measures are effective. Ideally, the proposal should provide a net benefit to biodiversity, particularly notified features, following restoration.

In addition to potential (temporary) loss of habitat and disturbance to SPA breeding birds, an impact assessment will need to consider potential effects on the hydrology of Cavenham-Icklingham Heaths SSSI to ensure no detrimental effects on wetland communities.

We suggest that the following avoidance and mitigation measures should be considered for the extension, for example, no quarrying or landfilling during the stone curlew breeding season, making the land available for breeding stone curlew during the breeding season, where appropriate temporarily sowing areas with crops to discourage stone curlew nesting and minimising vehicle movements. The impact assessment should also provide evidence that there will be no adverse effects on the nationally and internationally designated features from dust blow, changes to hydrology etc.

We would like to be involved in discussions at all stages.

13. Layham

The proposed extension is situated about 380m from Dedham Vale AONB which means that it is in the 'setting' of the protected landscape. Consideration will need to be given to the landscape and
visual impact of the proposal. We expect that the landscape design of the restored quarry will be in keeping with the local landscape character.

15. Wangford

The proposed extension is entirely within Suffolk Coast and Heaths AONB. It is about 380m from Minsmere-Walberswick SPA/Ramsar site, Minsmere-Walberswick Heaths and Marshes SSSI and Suffolk Coast NNR.

In principle, we have no outright objection subject to further information being provided which demonstrates that impacts to protected landscape and designated features have been avoided where possible and mitigation measures put in place for those impacts which cannot be avoided and a programme of monitoring agreed to ensure the measures are effective. Note that it is not stated in the Plan whether there will be any landfill following extraction.

The position of the proposed extension within the protected landscape means that the highest sensitivity must be afforded to the landscape; the landscape and visual impact of the proposal must be evaluated at all stages of the operation. The assessment of the proposal on nearby designated sites must include a consideration of likely changes to hydrology and increased disturbance of sensitive species from noise, lighting, vibration etc. Suitable mitigation might include avoidance of the breeding season, provision of screening etc. If there is any landfilling with material other than inert waste, the impact of attracting gulls and corvids into the area will also need to be considered. The impact assessment should provide evidence that there will be no adverse effects on the nationally and internationally designated features from dust blow, changes to hydrology etc.

13. Tattingstone

The proposed extension at Folly Farm is within the setting of the proposed extension to Suffolk Coast and Heaths AONB. Although any proposal for designation as AONB does not take effect until confirmed by the Secretary of State, the Natural England Board has approved its officers’ recommendations for an extension to Suffolk Coast and Heaths AONB boundary, subject to statutory/public consultation and to submission of a legal Order to the Secretary of State for confirmation. It would therefore be reasonable for your authority to treat this fact, and the detailed technical assessments that were considered by the Board prior to its decision, as a material consideration relevant in determining the potential impact of proposed developments on the area’s special qualities.

17. Wherstead

The proposed extension is about 800m from Freston and Cutler’s Woods with Holbrook Park SSSI. The impact assessment should provide evidence that there will be no adverse effects on the designated features of the SSSI from dust blow, changes to hydrology etc.

The proposed quarry extension at Pannington Hall Quarry is within the setting of the proposed extension to Suffolk Coast and Heaths AONB. Although any proposal for designation as AONB does not take effect until confirmed by the Secretary of State, the Natural England Board has approved its officers’ recommendations for an extension to Suffolk Coast and Heaths AONB boundary, subject to statutory/public consultation and to submission of a legal Order to the Secretary of State for confirmation. It would therefore be reasonable for your authority to treat this fact, and the detailed technical assessments that were considered by the Board prior to its decision, as a material consideration relevant in determining the potential impact of proposed developments on the area’s special qualities.

18. Worlington
The proposed extensions of the existing workings to north and south do not fall within any buffer zone around Breckland SPA which is set to protect nesting stone curlew. The southern extension is about 700m from Red Lodge Heath SSSI. The impact assessment should provide evidence that there will be no adverse effects on the SSSI designated features from dust blow, changes to hydrology etc.

Comments on proposed waste sites

20. Sizewell “A” Nuclear Power Station

This site is entirely within Suffolk Coast and Heaths AONB and Suffolk Heritage Coast. It is immediately adjacent to Sizewell Marshes SSSI (designated for its wetland vegetation and assemblage of invertebrates) and in close proximity to Leiston-Aldeburgh SSSI (designated for birds, heathland, wetland and coastal vegetation and assemblage of dragonflies) which is a component of Sandlings SPA (notified for breeding woodlark and nightjar). The route of the England Coast Path may be located on the beach in front of Sizewell A and B following the existing Suffolk Coast Path.

Without further information on the proposal to manage waste arising from the decommissioning of Sizewell A and some waste potentially arriving from sister stations, it is difficult to make a specific comment. This is a highly sensitive location environmentally and any proposal would have to take full account of any likely significant impacts to landscape, biodiversity and coastal access.
Annex B

Habitats Regulations Assessment

We have some concerns with the HRA that has been submitted to accompany this Preferred Options consultation in that it is an incomplete assessment with regard to the site-specific information that has been provided.

Strategic Habitats Regulations Assessment
This document generally identifies international sites which may be affected and lists impact ‘pathways’ by which likely significant effects may arise from the plan. We suggest that ‘changes to air quality arising from fugitive dusts which may affect the functioning of plants’ and ‘changes to vegetation and soils arising from the deposition of fugitive dusts’ are added to the list of potential impact pathways.

Note that the successful grant of planning permission means that consent is deemed to have been granted for potentially damaging operations within SSSIs and no additional formal consent from Natural England is required for potentially damaging operations covered by the planning application. Any operation likely to damage the special interest of a SSSI which is not included in the planning permission will require notice to be made to Natural England before that operation can proceed.

Also, the term ‘appropriate assessment’ is misused in the HRA. The document submitted is not an appropriate assessment but rather a screening for likely significant effect. An appropriate assessment is required when likely significant effects cannot be excluded and is a detailed consideration of all the evidence and information to ascertain whether an adverse effect on the integrity of the site can be ruled out.

We expect to see within the HRA document a summary of the results of the initial screening, i.e. which policies and which sites have been screened in and which have been screened out, with further consideration of those policies and sites which have been screened in as to whether avoidance and mitigation measures would be sufficient to achieve a conclusion of no likely significant effect, either alone or in combination with other plans and projects. This can be at a ‘high’ level, e.g. work would take place outside the bird breeding season to avoid disturbance to nesting birds. However, more detail would be expected in the HRA at planning application stage.

Appendix One
No further comment.

Appendix Two
The following policies need to be screened in for further assessment:

Policy MP2: Proposed sites for sand and gravel extraction. (This policy is addressed by considerations of the sites listed.)

Policy WP2: Proposed site for waste management a) Site W1 Sizewell A Nuclear Power Station

Policy WP16: Treatment and storage of radioactive waste at Sizewell nuclear power stations

We agree that the other policies in the Preferred Options consultation document are unlikely to have a significant effect on any international site and can be screened out from further assessment.

Appendix Three
With regard to Appendix 3, it is not sufficient for each proposed location to state that ‘This Objective is considered to have a Neutral Effect upon the Designated Sites until such time as a project-specific HRA screening process and Appropriate Assessment has been undertaken. The developers will need to undertake suitable survey work and prepare a detailed avoidance, mitigation, compensation and enhancement strategy. Thereafter, such information should be submitted to SCC where it will be considered by the Ecology Team and, if required, submitted to the
Proper Officer at Natural England for approval.’

Since the Local Plan contains site-specific information, we expect to see a consideration of the likely significant effects on internationally designated site features for each of those proposed quarries/waste disposal sites which are either within or in the vicinity of international sites. The assessment of likely significant effect does not have to have the same level of detail that we would expect from a project-level HRA but should contain a consideration of whether there is likely to be an impact, such as direct loss of habitat, disturbance to breeding/wintering birds, hydrological change etc. and identify possible avoidance/mitigation measures that would be required. If a likely significant effect cannot be ruled out, then an appropriate assessment is required. This information is required at Local Plan stage even though applications will also require a project-level HRA.