Natural England’s Representations on Suffolk Minerals and Waste Local Plan

B. Soundness

Matter 2 – Vision, aims and objectives and general policies

Issue: Whether the vision, aims, objectives and general policies provide an appropriate basis for sustainable mineral and waste development.

Policy GP4 – General environmental criteria

22 Should Policy GP4 require proposals to accord with national policy on designated landscapes and habitats and heritage assets?

Natural England has advised, consistently, on adding to the wording of Policy GP4 General environmental criteria consistently throughout the various consultations on the Suffolk Minerals and Waste Local Plan (SMWLP).

As currently worded GP4:

- makes reference to protected landscapes but contains no reference to designated sites;
- does not make it clear that there is a hierarchy of avoiding, mitigating and then compensating significant harm (NPPF para 118);
- does not contain criteria against which any proposed development affecting designated sites will be judged (NPPF para 113);
- does not make clear the distinctions between the hierarchy of designated sites so that protection is commensurate with their status and gives appropriate weight to their importance (NPPF para 113); and
- does not make clear that the sustainable development presumption does not apply where development requiring appropriate assessment is required (NPPF para 119).

To ensure that the policy is compliant with both the NPPF and the Conservation of Habitats and Species Regulations 2017 (as amended) (‘the Habitats Regulations’), we recommend that the following text is added:

‘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 Habitat 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.’
23 Should the policy require net biodiversity gain where possible?
We would welcome the inclusion of a requirement for net biodiversity gain which would accord with the Government’s intention to require future development to deliver this and help halt the continuing loss of biodiversity.

24 Should Policy GP4 include a requirement to submit sufficient information to enable the Council to carry out Appropriate Assessment where there may be an adverse impact on an internationally designated site?
Yes, it would be helpful in assisting the Council in fulfilling its statutory duties, and to make all prospective developers aware of the need to submit sufficient information to enable the Council to do so.

To ensure that the policy is compliant with both the NPPF and the Conservation of Habitats and Species Regulations 2017 (as amended) (‘the Habitats Regulations’), we recommend that the following text is added to the policy:

‘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 Habitat 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.’

25 Is the wording of the policy clear, in particular some of the criteria may be ‘effects’ rather than ‘significant adverse impacts’. The use of the terms ‘national or local guidelines’ is vague and ‘any hierarchy of importance’ is not explained. Criterion (s) which appears intended to encourage consideration of alternative forms of transport is not worded as such and appears out of place in the list of significant adverse impacts.
Please refer to our comments made under Q22 above. We consider the policy could be better written.

26 Should protected or ancient woodland/trees be added to criterion (c)?
We agree that these should be added either to (c) or as a separate point in their own right given their landscape, biodiversity and cultural value.

28 Should the policy include a requirement for cumulative impact to be assessed?
Yes, it would be useful to include this, whether for cumulative impacts (under EIA Regulations) or in combination impacts (under the Habitats Regulations).