Response by the RSPB to questions raised by the Planning Inspector with regards to the Examination of the Suffolk Minerals Mineral and Waste Local Plan

Question 22

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

The RSPB considers that policy GP4 should accord with national policy on habitat assets, namely those set out under paragraph 170 of the revised 2019 NPPF. We appreciate that the Plan is being examined under the 2012 NPPF but consider that this amendment offers the most effective “future proofing” of the draft policy. This would provide complete clarity on the intention of this policy and ensure any allocations that are submitted must provide appropriate measures to meet the tests set out in the NPPF and the Habitats Regulations.
Response by the RSPB to questions raised by the Planning Inspector with regards to the Examination of the Suffolk Minerals Mineral and Waste Local Plan

Question 23

Should the policy require net biodiversity gain where possible?

The RSPB would welcome the inclusion of requirements for biodiversity net gain within the policy wording. This would meet the net gain requirements set out in the revised NPPF. We note that in the revised 2019 NPPF (paragraph 170d) the words “where possible” are not present and we respectfully request that this is not replicated here. We appreciate that the Plan is being examined under the 2012 NPPF, but we consider that this amendment offers the most effective “future proofing” of the draft policy.
Response by the RSPB to questions raised by the Planning Inspector with regards to the
Examination of the Suffolk Minerals Mineral and Waste Local Plan

Question 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?

The RSPB considers that a requirement for sufficient information to enable the Council to carry out an Appropriate Assessment to test whether an adverse effect on a designated site may occur is already a legal requirement, and consequently we consider that a blanket, undifferentiated, requirement will do little to assist with the smooth operation of the Plan. The proposed policy approach lacks clarity regarding the specific information that may be necessary to demonstrate compliance with the Habitats Regulations. However, the plan would be improved if individual policies, e.g. MS2 and MS4, set out details of the specific information, including clarity on the types of measures and associated costs required to mitigate adverse effects that should be provided to enable an Appropriate Assessment to be undertaken. This approach is pertinent to Questions 63 and 68.
Response by the RSPB to questions raised by the Planning Inspector with regards to the
Examination of the Suffolk Minerals Mineral and Waste Local Plan

Question 25
Is the wording of the policy clear, in particular some of the criteria may be ‘effects’ rather than
‘sustainable 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.

The RSPB recognises that both terms used are legitimate, but care needs to be taken to ensure that
they are used appropriately. “Significant adverse impacts” may be appropriate when used in relation
to an EIA, however, this terminology is not appropriate when considering assessments made under
the Habitats Regulations. It is therefore of the utmost importance that any
policy terminology is appropriate to the relevant regulatory framework that it is being assessed
against, i.e. the Habitats Regulations (2017).
Response by the RSPB to questions raised by the Planning Inspector with regards to the
Examination of the Suffolk Minerals Mineral and Waste Local Plan

Question 28

Should the policy include a requirement for cumulative impact to be assessed?

The RSPB supports the inclusion within this policy of a reference to cumulative and in-combination
effects. This is important to ensure that there is a clear understanding not simply what the
pressures alone will be from an individual project, but for all activity affecting a Natura 2000 site to
be considered in its entirety. This is necessary to ensure that the combined pressures will not affect
habitats and species such that their conservation objectives cannot be maintained, and the absence
of favourable conservation status would have significant implications for the Council, Regulators and
land owners.