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

B. Soundness

Matter 3 Mineral policies and sites

Issue 1: Whether the policies are positively prepared in terms of making adequate provision for minerals.

Issue 2: Whether the policies are consistent with national policy with specific regard to protection of the environment.

Issue 3: Whether specific policy requirements are justified and effective.

Policy MS1: Barham

55 Should the policy be more specific in terms of conservation of the Site of Special Scientific Interest?

We agree that the policy should be more specific and require the provision of measures to safeguard the special features of interest of the SSSI and future access to them with regard to backfilling.

If the proposal to backfill with inert materials within the SSSI would prevent access to the notified interest feature it would render the SSSI in effect ‘part destroyed’. This would not consistent with the objectives of paragraph 118 of the NPPF and is therefore unsound. Natural England’s concerns would be overcome if we had confirmation that there will be no backfilling within the SSSI boundary. We note that this is referred to within the accompanying text under 8.2.

Natural England previously advised that the policy text need to be amended as it was inaccurate. The policy mentions under ‘(d) potential impacts upon natural history interests including Sandy Lane Pit Barham SSSI etc’ and it should be noted 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’.

56 Should the policy require mitigation measures for any impacts on habitats and wildlife?
Yes, a requirement to provide any mitigation measures for any biodiversity or geodiversity impacts should be included under (d).

Policy MS2: Barnham

63 Should the policy set out the specific requirements of the habitats regulations with regard to the European sites and require submission of adequate information to enable an appropriate assessment to be carried
out?
The proposed quarry extension lies entirely within Breckland Farmland SSSI which is a component of Breckland SPA, and adjacent to Breckland Special Area of conservation (SAC). It is likely to have a significant impact on breeding stone curlew for which the SPA is designated.

The need for a project level HRA should be explicitly included in the policy, making clear what broad avoidance and/or mitigation measures, identified at a strategic level will be required, and that restoration will ensure delivery of a net biodiversity gain long term, specifically with regard to the Breckland Special Protection Area (SPA).

64 Should the policy require measures to prevent dust impact on the Special Area of Conservation?
As these were identified as mitigation measures in the HRA, they should be included under (k) of the policy.

65 Should the policy require restoration suitable for stone curlew?
Yes, to ensure that the policy is compliant with both the NPPF and the Habitats Regulations. This is likely to be a requirement both as a mitigation measure, and would also afford an opportunity to demonstrate biodiversity net gain in this location.

Policy MS4: Cavenham

68 Should the policy set out the specific requirements of the habitats regulations with regard to the European sites and require submission of adequate information to enable an appropriate assessment to be carried out?
The need for a project level HRA should be explicitly included in the policy, making clear what broad avoidance and/or mitigation measures, identified at a strategic level from the HRA), will be required, and that restoration will ensure delivery of both mitigation and a net biodiversity gain long term, specifically with regard to the Breckland Special Protection Area (SPA).

69 Should the policy require seasonal working to avoid stone curlew nesting?
We advised this measure in our previous consultation responses.

Policy MS6: Tattingstone

74 Should the policy set out the specific requirements of the habitats regulations with regard to the European site (the Stour & Orwell Special Protection Area) and require submission of adequate information to enable an appropriate assessment to be carried out?
The need for a project level HRA should be explicitly included in the policy, making clear what broad avoidance and/or mitigation measures, identified at a strategic level will be required, and that restoration will ensure delivery of both mitigation measures and a biodiversity net gain long term in this location.
**Policy MS7: Wangford**

**78 Should the policy require demonstration of exceptional circumstances for development in the Area of Outstanding Natural Beauty (AONB), as required by national policy?**

The proposed extension is entirely within the Suffolk Coast and Heaths AONB. Natural England considers the allocation is not fully consistent with the objectives of paragraph 116 of the NPPF. It is unsound because insufficient justification has been presented to allow us to conclude that this site presents exceptional circumstances and they are in the public interest, consistent with paragraph 116. We support the comments made by the AONB Partnership in relation to the proposed allocation.

There appears to be other working sites outside of the AONB that could meet the local demand and the quantities required to meet the requirements in the NPPF. We question what national considerations this proposal would meet. We highlight the economic contribution that the AONB makes to the local and wider economy, particularly through tourism and recreation, together with social and environmental benefits. We are not aware of evidence which demonstrates clearly that the economic benefits of the proposed extension outweigh the economic benefits of the AONB.

The AONB Partnership has provided detailed concerns about the Outline Landscape and Visual Appraisal, dated February 2018, produced in support of the proposal. We support many of those comments including the long term impacts on some of the special qualities for which the land was designated as part of a nationally important and protected landscape. These include the land take from within the AONB whilst the land is worked for more than a decade; loss of tranquillity, the landscape impacts of the proposed mitigating screening bunds; and the reduction of land form and gradients post-restoration which would result in a permanent change to the landscape character of the site, and therefore part of the AONB.

Natural England does not consider that the presence of existing or previous quarrying activities presents grounds for further allocations within the AONB.

In addition, in relation to designated sites, the need for a project level HRA should be explicitly included in the policy, making clear what broad avoidance and/or mitigation measures, identified at a strategic level, will be required.

**79 Should the policy set out the specific requirements of the habitats regulations with regard to the European sites and require submission of adequate information to enable an appropriate assessment to be carried out?**

The need for a project level HRA should be explicitly included in the policy, making clear what broad avoidance and/or mitigation measures, identified at a strategic level will be required, and that restoration will ensure delivery of a net biodiversity gain long term.
Policy MS9: Wherstead

84 Should criterion (a) require provision of a stand-off from the adjacent ancient woodland?
Yes, this should be included to protect adjacent ancient woodland.

In addition, in our previous consultation responses we advised on amending the wording with regard to nature conservation under (c) to:

‘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

85 Should the policy set out the specific requirements of the habitats regulations with regard to the European sites and require submission of adequate information to enable an appropriate assessment to be carried out?
The need for a project level HRA should be explicitly included in the policy, making clear what broad avoidance and/or mitigation measures, identified at a strategic level will be required, and that restoration will ensure delivery of a net biodiversity gain long term.

In addition, in our previous consultation responses we advised on amending the wording with regard to nature conservation under (a) 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.’