

Chris Rand
Planning Department
St Edmundsbury Borough Council
West Suffolk House
Western Way
Bury St Edmunds
IP33 3YU

13/04/2016

Dear Chris,

DC/15/2151/OUT: Outline Application (Means of Access to be considered) - Residential development of up to 2,500 units (within use classes C2/C3); two primary schools; two local centres including retail, community and employment uses (with use classes A1/A2/A3/A4/A5, B1 and D1/D2; open space; landscaping and associated infrastructure - Further Comments. Great Wilsey Park, Wilsey Road, Little Wratting

Further to our consultation response (our letter of 08/01/2016) objecting to this application and the meeting which was held on 21/01/2016 at which further discussion took place, we have received correspondence (FPCR's letter of 29/03/2016) and further information (Additional Bat Survey report (FPCR, Mar 2016); Breeding Bird Survey report (FPCR, Mar 2016); Winter Bird Survey report (FPCR, Mar 2016) and updated Habitat/Public Open Space plan (ref. 5055-L-119 Rev D)) from FPCR, the applicant's ecological consultant. We have had no further correspondence with the applicant or their ecological consultant following the meeting of the 21/01/2016 and therefore the following comments are based solely on the additional material provided on 30/03/2016:

Plan Discrepancies

As stated in our letter of 08/01/2016 the submitted Concept Masterplan (drawing ref. 50055-L-10) shows a primary access road passing through the centre of woodland W4. We note the updated Habitat/Public Opens Space Plan (5055-L-119 Rev D) and the confirmation from FPCR that no road will be routed through woodland W4. Whilst we welcome this confirmation, we request that either the Concept Masterplan is also updated to reflect this, or it is removed from the application. Whilst it is understood that the layout in these plans is largely indicative, as this is an Outline application, there still needs to be sufficient certainty that an appropriate scheme can be delivered. A new access route through woodland W4 would not be appropriate, and nor would the loss of lengths of hedgerow over 12m (as identified in FPCR's letter of 29/03/2016).

Hazel Dormice

1) Dormouse Distribution

The letter from FPCR states that "*it is accepted that the dormice population status was assessed from the Dormouse Handbook, the relevant guidance document*". We do not dispute that the EIA for this application did use Figure 1 in the Dormouse Conservation Handbook¹, However, as set out in our letter of 08/01/2016, we maintain that it was incorrect to establish the distribution and status of this species in the county; region and country purely from this map which is 10 years old and represents only a simplistic illustration of dormouse distribution in the UK.

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¹ Bright, P., Morris, P. and Mitchell-Jones, T. (2006). *The Dormouse Conservation Handbook, 2nd Edition*. English Nature, Peterborough

2) Significance of the Population

We query the relevance of the consultant's statement that dormice in Suffolk are "*not as rare as in more northern regions of the UK where populations are completely absent*", if the species is absent from a county it cannot therefore be rare there. We considered that the restricted distribution of dormice in England and Wales highlights the importance of Suffolk populations in the national context. The response from FPCR goes on to conclude that "*dormice populations are scarce at a Regional level*", we therefore maintain our opinion that the conclusion presented in the ES (Appendix 9.5) that dormice are of Local importance is incorrect. The population is of at least Regional importance, and given the restricted national distribution of the species possibly National importance.

3) Survey Effort

FPCR's letter makes reference to a check of the deployed dormice nest tubes in October. However, it is understood that this was the visit in which the tubes were collected and it occurred approximately a week after the check in September. Given the short period of time between the survey visits in September and October we do not consider that October can be counted as survey visit.

We disagree that the results from the dormouse surveys undertaken to date "*confirms the population is a small population*". As stated in section 3.6 of the Dormouse Conservation Handbook, nest tubes are intended to detect the presence of dormice and do not permit the estimation of density unless detailed work to calibrate the method has been carried out. The assessment presented in the ES does not make allowance for the presence of dormice in natural nests (i.e. not using the nest tubes) being present within the site (as per Table 2 of the Dormouse Conservation Handbook).

4) Impact to Dormouse including Fragmentation/Isolation

We note the intention to minimise gaps in hedgerows to less than 12m, in accordance with the quoted published evidence. Given that this is an Outline application; we query how this can be secured? Dormouse is a European Protected Species and therefore the Local Planning Authority must be confident that any necessary avoidance or mitigation measures can be appropriately secured.

5) Consideration the Conservation of Habitats and Species Regulations (2010) (as amended)

We note that the ecological consultant has concluded that a Natural England development licence will not be required to facilitate development. Whilst strictly the decision on a licence application is a matter for the applicant; their consultant and Natural England, when granting consent for a development the Local Planning Authority must also take account of the tests set out in the Conservation of Habitats and Species Regulations (2010) (as amended) which relate to the granting of a licence.

Surveys to date have demonstrated that dormice are present on the site. However, the conclusion that, based on the survey work undertaken, no breeding was occurring on site and that remaining habitats cannot be defined as anything more than "potential resting sites" ignores the potential presence of animals in natural nests. We are concerned that as currently presented, the conclusion on the level of impact is based on a number of assumptions. We therefore believe there is insufficient information to be able to fully assess the impacts on the dormouse population in this area and consequently, further surveys are required.

Bats

In our letter of 08/01/2016 we recommended that all hedgerows on which barbastelle bats were recorded should be classed as important for the purposes of the assessment of impact in the EIA. This approach has previously been used on other projects, including the East Anglia ONE Offshore Wind Farm terrestrial cable route². Whilst it is acknowledged that the Offshore Wind Farm

² East Anglia ONE Planning Inspectorate webpage (<http://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-one-offshore-windfarm/>) (accessed 08/01/2016).

project is different to the residential development proposed in this application (and was therefore subject to differing levels of survey effort), such classification was a recognition of the barbastelle's rarity in Suffolk and the UK (and its inclusion on Annex II of the Habitats Directive³). We accept that there is no published guidance relating use by Annex II species to importance under the Hedgerow Regulations (1997), our intention (as described in our consultation response) was that this importance should be included as part of the EIA process.

1) Lighting

We note the statement that lighting of footpaths and cycle routes is a matter for the detailed design of the development. Whilst this is understood, at Outline stage the LPA should be reasonably confident the proposal can be delivered without significant impact on protected species and therefore a level of certainty around lighting requirements is needed.

2) Hop Over/Proposed Bat Box Scheme

As with lighting, the LPA should be reasonably confident the proposal can be delivered without significant impact on protected species and therefore a level of certainty around whether hop over mitigation is deliverable.

In our consultation response we did not recommend that the LPA seek further information on bat box provision at this stage and agree that this is best left to any detailed design stage.

Badgers

We note the findings of the updated badger survey undertaken in March 2016. With regard to the SBRC record within W4, to the best of our knowledge the sett recorded in this location in 2014 was identified by a suitably experienced individual and we therefore have no reason to doubt its validity. Whilst it is likely that it has become inactive since that time, it could be recolonised in the future and therefore this should be considered as this proposal is taken forward.

Otter and Water Vole

No further comment.

Reptiles and Amphibians

We note the consultant's further comments on the use of passive displacement and have no further comment.

Breeding and Wintering Birds

3) Probably Breeding BoCC Red List and UK Priority Farmland Birds

The ES acknowledges that there will be a minor adverse effect upon on-site populations of skylark; linnet and yellowhammer, but concludes that the effect will be negligible upon the local populations of each species. Despite this conclusion, the loss will still contribute to the reduction and fragmentation of the local population. This loss has also not been assessed in-combination with other developments in the vicinity of the development site. We therefore maintain our opinion that offsite compensation should be secured as part of any development at this site.

Hedgehogs

We note the additional information on this species provided by the ecological consultant.

Flora

1) Records of Shepherd's Needle

Whilst the Shepherd's needle record for the site does date from 2004, assuming suitable habitat remains present it could still persist onsite. We disagree with the assertion that this species is relatively common in the county, whilst Suffolk does have a significant proportion of the British

³ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

population (it being very scarce outside East Anglia) it remains recorded from only 141 tetrads in the county⁴. We therefore maintain the opinion that the presence of this species should be considered when designing the detail of any development at this site.

2) Betony Recorded within the Site

We note that the majority of the areas where this species was recorded are to be retained within the proposed GI.

If you require any further information or wish to discuss any of the matters raised above, please do not hesitate to contact us.

Yours sincerely

Dr Simone Bullion
Senior Conservation Adviser

James Meyer
Conservation Planner

⁴ Sanford, M. and Fisk, R. (2010). *A Flora of Suffolk (page 296)*. D.K. and M.N. Sanford, Ipswich