

## **Development Control Committee 4 September 2019**

### **Planning Application DC/19/1243/FUL – Wangford Woods, Access Road from A1065 to Wangford Warren, Wangford**

**Date Registered:** 13.06.2019

**Expiry Date:** 12.09.2019

**Case Officer:** Julie Barrow

**Recommendation:** Approve Application

**Parish:** Brandon

**Ward:** Brandon West

**Proposal:** Planning Application - To provide A11 mitigation land comprising of (i) Topsoil stripping to a depth of approx. 300mm to be taken from bare earth (126 hectares) (ii) Topsoil to be spread evenly across scrub area (99 hectares) resulting in approx. 400mm land raise (iii) Installation of predator-proof fencing

**Site:** Wangford Woods, Access Road from A1065 to Wangford Warren, Wangford

**Applicant:** Highways England

**Synopsis:**

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

**Recommendation:**

It is recommended that the Committee determine the attached application and associated matters.

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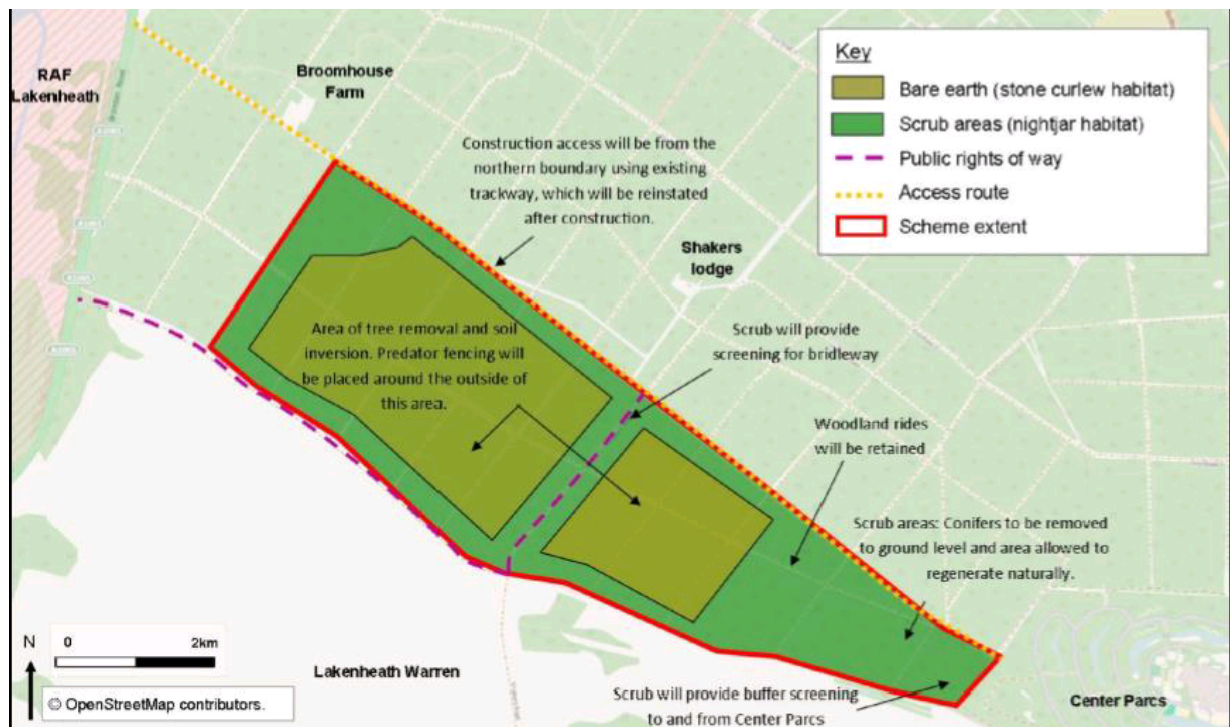
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## Background:

The application is referred to Development Control Committee as it relates to a major planning application and the Town Council objects to the proposal, contrary to the Officer recommendation.

## Proposal:

1. The application seeks consent for the stripping of topsoil to a depth of approximately 300mm across 126 hectares of the 225 hectare site. The topsoil will then be spread evenly across a scrub area of 99 hectares, resulting in land levels being raised in these areas by approximately 400mm



## Application Supporting Material:

2. The following plans and documents are relevant to the proposed development:
  - Location Plan
  - Cross Section Location Plan
  - Cross Sections
  - Details of Predator Fencing
  - Planning Statement
  - Heritage Assessment
3. Additional documentation prepared to support a screening request made to the Forestry Commission has been submitted to assist the LPA in screening the proposal for the purposes of the Environmental Impact Assessment Regulations and preparing a Habitats Regulations Assessment.

## Site Details:

4. The application site covers approximately 225 hectares and comprises an area of managed forest within Wangford Warren. The site is located in between the A1065 and the western boundary of the Center Parcs village. It lies within Breckland Forest Site of Special Scientific Interest (SSSI), a component part of the Breckland Special Protection Area (SPA), and its southern boundary adjoins Lakenheath Warren SSSI, a component part of Breckland Special Area of Conservation (SAC) and Breckland SPA. A bridleway runs along the site's southern boundary, and links with a second bridleway (Shakers Road), which transects the site in an approximate north-south orientation. Fire route 2 demarcates the site's northern boundary.

### Planning History:

Reference	Proposal	Status	Decision Date
DC/15/1175/CLP	Application for Lawful Development Certificate for Proposed Use - 225ha of land currently used as forestry land would be surrendered by the Forestry Commission. Of this, 126ha would be felled, ploughed and managed (including by grazing) to form heathland for Stone Curlew habitat. The remaining 99ha of land would remain as woodland and be managed as mitigation for Nightjar (for the loss of their habitat as a result of tree felling on the adjoining land).	Not Required	03.10.2016

### Consultations:

5. Natural England – has previously agreed that the development is sufficient to offset the loss of habitat within Breckland SPA and loss in nesting density of stone curlew, nightjar and woodlark, the three qualifying species of the SPA.
6. RSPB – Support the proposal. The Brecks landscape is of critical importance for stone curlews, supporting in excess of 60% of the UK population. Any efforts made to positively enhance this population and that of other features of the Breckland SPA will be given our favourable consideration.
7. SCC Highways (12 July 2019) – Require confirmation that staff arriving at the site will be able to park cars and cycles in the construction compound area.
8. SCC Highways (22 July 2019) – The information provided about the site compound location and staff parking facilities is acceptable.

9. Public Rights of Way Team – Accept the proposal. Advise that a number of informatives are taken into account.
10. SCC Floods – Advise that a Construction Surface Water Management Plan is submitted to ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater during the construction phase.
11. SCC Archaeology – The proposal affects an area of known archaeological remains and archaeological potential. The proposal has been informed by archaeological considerations and an intention to preserve in situ as far as possible, and to minimise impacts on archaeological features and deposits. A programme of archaeological mitigation is therefore appropriate and can be secured by condition.
12. Ecology & Landscape Officer – The project is not anticipated to have any overall adverse effects on the integrity of the qualifying features of Breckland SPA or SAC either alone or in combination with any other plan or project. The creation of 126ha of suitable stone-curlew habitat would positively impact upon stone-curlew and woodlark. The creation of 99ha of birch scrub habitat would positively impact upon nightjar and could positively impact upon woodlark. The scheme is unlikely to have a significant effect on landscape in the long term.
13. Environment Team – The Council's records show a small area of potential infilled land close to the north edge of the application site. As the proposals only involve disturbing the uppermost topsoil in selected areas they are unlikely to impact on the infilled pit significantly. No objection but the developer should be mindful of the potential for contamination in a limited area of the site.

### **Representations:**

14. Brandon Town Council – Object due to further encroachment of the habitat in the direction of Brandon.
15. Public representations – Letters sent to 5 nearby addresses, site notice posted and advertisement placed in the East Anglian Daily Times. Representations received from 2 addresses raising the following points:
  - Norman Cottage – On behalf of Brandon Community Union we wholeheartedly support this application to accommodate our unique wildlife.

### **Planning Policy:**

16. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with

reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

17. The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

- Core Strategy Policy CS2 - Natural Environment
- Core Strategy Policy CS3 - Landscape character and the historic environment
  
- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM20 Archaeology
- Policy DM44 Rights of Way

**Other Planning Policy:**

18. National Planning Policy Framework (2019)

19. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

**Officer Comment:**

The issues to be considered in the determination of the application are:

- Principle of Development
- Impact on landscape character
- Impact on ecology and biodiversity
- Archaeology

Principle of development

20. The requirement for the proposal stems from a legal requirement attached to the *A11 Fiveways to Thetford Improvement Scheme*. This planning application has been submitted due to the need to undertake groundworks to facilitate the creation of the grass-heath vegetation type which requires thin, stony, nutrient poor soils. The applicant has considered a number of options that could be employed to achieve this habitat creation, with the option put forward under this planning application seen as the most

appropriate way to provide the desired conditions for this habitat to establish without causing harm to on-site archaeology.

21. A Steering Group, termed the Ecological Advisory Group (EAG) and including representatives from Highways England, Natural England, RSPB, the Forestry Commission, Norfolk Wildlife Trust and Elveden Estates was set up to determine the size, location and management proposals for the A11 mitigation land. The Habitat Creation and Management Plan (HCMP) submitted to support the application was produced in consultation with the project Steering group.
22. Spatial Objective ENV1 of the Forest Heath Area Core Strategy contains a commitment to conserve and enhance the many habitats and landscapes of international, national and local importance within Forest Heath and improve the rich biodiversity of the whole District. Core Strategy Policy CS2 seeks to ensure that areas of landscape biodiversity and geodiversity interest and local distinctiveness within the District will be protected from harm and their restoration, enhancement and expansion will be encouraged and supported through a variety of measures. The Policy requires a project level Habitats Regulations Assessment to be carried out and development that is likely to lead to an adverse effect on the integrity of the Breckland Special Protection Area (SPA) will not be allowed.
23. Policy DM10 of the Joint Development Management Policies Document seeks to control the impact of development on sites of biodiversity and geodiversity importance and is complemented by policies DM11 and DM12 in relation to protected species and the mitigation, enhancement, management and monitoring of biodiversity.
24. The proposal seeks to create habitat suitable for stone-curlew, woodlark and nightjar and therefore meets the objectives of the spatial and specific development management policies outlined above. The principle of development is therefore acceptable.

#### Impact on landscape character

25. Core Strategy Policy CS3 seeks to protect, conserve, and where possible enhance, the quality, character, diversity and local distinctiveness of the District's landscape and historic environment. Proposals for development are required to take into account the local distinctiveness and sensitivity to change of distinctive landscape character types.
26. Joint Development Management Policy DM13 seeks to ensure that development will not have an unacceptable impact on the character of the landscape, landscape features, wildlife or amenity value.
27. The proposal involves the removal of the humic and topsoil layers, including the mulching of stumps and root plates, from the proposed grass heath area. The excavated material will be spread on the areas set aside for birch scrub. The proposals also include a predator proof perimeter fence which would protect the new grass-heath habitat.
28. The forest trees have already been felled leaving an open, very slightly undulating landscape typical of the Brecks. There will be construction effects as a result of disturbance, however once the ground modelling has

been completed and the new habitats have established the changes in levels across the site are likely to be imperceptible given the existing ground form and the vast scale of the landscape.

29. The birch scrub will redefine the previous plantation edge although this will be softer and more dynamic than previously, responding to the proposed cyclical management. The proposed predator fencing may initially be visible from paths, however, this would be a short term effect until the birch scrub vegetation grows to provide a natural screen. This type of fencing would not be out of character in this landscape in any case, however the proposal is for willow hurdles to be used as a temporary screening measure if necessary.
30. The proposal is likely to result in short-term construction effects, however it is unlikely to have a significant effect on the character of the landscape in the long term. The proposal therefore accords with Policies CS3 and DM13 in this regard.

#### Impact on ecology & biodiversity

31. As stated above, Spatial Objective ENV1 of the Core Strategy aims to conserve and enhance the habitats and landscapes of international, national and local importance and improve the rich biodiversity of the District. This objective forms the basis of Core Strategy policy CS2 which sets out in greater detail how this objective will be implemented.
32. Paragraph 175d of the National Planning Policy Framework states that *"development whose primary objective is to conserve or enhance biodiversity should be supported"*
33. The applicant has submitted biodiversity information to support the planning application, this provides an assessment of the ecological impacts associated with the habitat creation/conversion. The information, based on site assessments undertaken in 2015, was prepared prior to the clearance of trees however it addresses the issues associated with the subsequent ground disturbance which has already occurred and will occur as a result of the groundworks proposed. Whilst the information is dated it is considered sufficient for the purposes of this application subject to the implementation of the ecological mitigation methods put forward.
34. The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by the Conservation of Habitats and Species Regulations 2017 (as amended). In accordance with the regulations the local planning authority must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives. There is also a requirement to consult the appropriate nature conservation body and have regard to any representations made by that body.
35. The applicant has submitted information to inform the habitat regulations assessment including an associated technical note. Whilst the HRA information covers the entire project including the felling of the conifer plantation the details relating to the soil stripping remain valid and have therefore been used to inform the assessment.

36. The RSPB support the proposals and Natural England has stated that it has no concerns to raise regarding either the location of the mitigation land or the mitigation land management and monitoring proposals.
37. The HRA concludes that the project is not anticipated to have any overall adverse effects on the integrity of the qualifying features of Breckland SPA or SAC whether alone or in combination with any other plan or project. The creation of 126ha of suitable stone-curlew habitat will positively impact upon stone-curlew and woodlark. The creation of 99ha of birch scrub habitat will positively impact upon nightjar and could positively impact upon woodlark. The proposals therefore meet the objectives of the NPPF, Core Strategy Policy CS2 and Development Management Policies DM10, DM11 and DM12.

#### Brandon Town Council Comments

38. Brandon Town Council has objected to the proposal on the basis that the proposals will advance habitat in the direction of Brandon.
39. The development - topsoil stripping/spreading and fencing - is required to complete habitat conversion from conifer plantation to grassland heath suitable for stone-curlew and woodlark and birch scrub suitable for nightjar and woodlark. As stated above, the conifer plantation has already been cleared under a Forestry Commission consent. The site is located 3km south of Brandon within the area already designated as SPA.
40. Brandon is already significantly constrained by the SPA. Research into the distribution of stone-curlew nests in the Brecks in relation to buildings and roads has shown a clear avoidance of buildings. Analysis of the pattern of avoidance of housing by stone-curlew on arable land suggests that the impact of housing on nest densities is negligible at a distance of 2.5km from housing and that housing at 1km has half the impact of housing immediately adjacent to potential nesting habitat. The existing Forest Heath Area Local Plan buffer of 1.5km reflects this.
41. There is also evidence of avoidance of housing for woodlark and nightjar (particularly in relation to cat predation), and a 400m 'buffer' has been used to mitigate the effects of housing.
42. Currently the closest components of Breckland SPA to the settlement boundary of Brandon are located at:
- Wangford Warrant and Carr SSSI - 1.5km to the southwest  
Breckland Farmland SSSI - 1.9km to the west, 1.08km to the north,  
Weeting Heath SSSI - 1.29km to the southwest  
Lakenheath Warren SSSI - 3.69km to the south.  
Breckland Forest SSSI - adjacent to, or within very close proximity to the north eastern, eastern and southern settlement boundaries of Brandon.
43. The choice of location was informed by a list of criteria that any potential mitigation land should meet in order to give confidence that the ultimate goal of creating sustainable habitat (in particular for stone-curlew) would be achieved. The criteria include that the land should be outside disturbance boundaries, which for settlements is 1500m, and which is consistent with other research.



44. Based on the evidence it is clear that the proposed habitat conversion, which is located within the area already designated as SPA would not intensify or increase the constraints on Brandon as summarised below:

- The site is located in land already designated as SPA
- At a distance of 3km, it is outside of the 400m and 1500m buffers around Brandon
- There are component parts of Breckland SPA closer to Brandon settlement boundary which already constrain future development.

#### Other matters

45. The applicant has responded to comments made by SCC Highways in relation to the parking of vehicles during construction by indicating that a site compound will be located well inside the boundaries of the site. Given the size of the site it is not expected that any construction vehicles will need to be parked on the various tracks and rights of way surrounding and transecting the site.

46. SCC Highways has advised that the proposal would not have any severe impact on the highway network in terms of vehicle volume or highway safety and offers no objection to the proposal.

47. Archaeological considerations have been key to the design of the scheme and the applicant intends to preserve remains in situ as far as possible and minimise impacts on archaeological features and deposits. Aspects of the project still have potential to have an impact on archaeological remains. These include inadvertent damage to underlying deposits where soils are thin, impacts on earthworks, and impacts on 'top soil' archaeology, which includes the presence of artefacts from underlying features for which the distributions can still be meaningfully interpreted.

48. SCC Archaeology has worked closely with the applicant in developing the proposal and is content for development to proceed subject to a programme of archaeological mitigation being secured by condition.

#### **Conclusion:**

49. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

#### **Recommendation:**

50. It is recommended that planning permission be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out except in

complete accordance with the details shown on the following approved plans and documents:

<b>Reference No:</b>	<b>Plan Type</b>	<b>Date Received</b>
Mitigation land boundary	Other	13.06.2019
J1101000/PLN/001	Landscape Plan	13.06.2019
J1101000/PLN/002	Landscape Plan	13.06.2019
(-)	Location Plan	13.06.2019
Habitat Creation and Management Plan	Other	13.06.2019
Predator proof fencing specification	Other	13.06.2019

Reason: To define the scope and extent of this permission.

- 3 No groundworks shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
- Confirmation of the means by which ecological mitigation methodologies will minimise impacts on archaeological remains
  - The programme and methodology of site investigation and recording
  - The programme for post investigation assessment
  - Provision to be made for analysis of the site investigation and recording
  - Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - Provision to be made for archive deposition of the analysis and records of the site investigation
  - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
  - The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development in accordance with policy DM20 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 16 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 Within six months of the site investigation, post investigation assessment should be completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks

associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development in accordance with policy DM20 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 16 of the National Planning Policy Framework and all relevant Core Strategy Policies.

5. Prior to commencement of development details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) shall be submitted to and agreed in writing by the Local Planning Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:
  - a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
    - i. Temporary drainage systems
    - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
    - iii. Measures for managing any on or offsite flood risk associated with construction.

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses in line with the River Basin Management Plan, in accordance with policies DM6 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 14 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. The condition is pre-commencement as it may require the installation of below ground infrastructure and details should be secured prior to any ground disturbance taking place.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1243/FUL](#)