

## **DC/21/1294/RM Land West of Eriswell Road, Lakenheath**

### **Habitats Regulation Assessment**

#### **Introduction**

Reserved Matters Application - Submission of details under Outline Planning Permission F/2013/0394/OUT (residential development for 139 dwellings, including details of the appearance, landscaping, layout and scale) | Land West of Eriswell Road Eriswell Road Lakenheath IP27 9AS

The following comments are based on the planning layout LV109-P-100 rev G 16.6.21 and associated detailed soft and hard landscape plans (JBA21 104 01 - JBA21 104 06 rev G), Landscape Phasing Plan sheet 1 and 2 (250-E-226 rev C and 250-E-227 B), Landscape Management Plan (JBA 21 140 LMP2)

In addition the following documents are referred to:

- Habitats Regulations Assessment (HRA) to planning application F/2013/0394/OUT Land West of Eriswell Road– Updated June 2018
- Decision notice to F/2013/0394/OUT Land West of Eriswell Road Lakenheath, 4 October 2018
- Draft officer report for planning application DC/23/1082/FUL Land Off Access Road, Eriswell (Galley Bottom)
- Habitats Regulations Assessment (HRA) to planning application DC/23/1082/FUL Land Off Access Road (Galley Bottom)

#### **Background and context**

A Habitats Regulations Assessment was undertaken at outline planning application stage (updated June 2018). This was appended to the planning committee report for F/2013/0394/OUT at working paper 1

The HRA was able to come to a conclusion that:

- The proposals alone would not result in likely significant effects on Breckland SPA taking into account that
  - the indicative plan for the site provides opportunities for dog walkers within the site to reduce the need for dogs to be exercised on more sensitive nature conservation sites, and
  - the site is immediately adjacent to the playing fields which would also be available for informal recreational use.
- In-combination adverse effects on the integrity of Breckland Special Protection Area can be avoided if the applicant provides:
  - policy compliant open space on the site (secured through a condition) which would include areas of open space, including green corridors and natural greenspace.
  - makes a proportionate contribute to influence recreation in the area to avoid a damaging increase in Visitors to Breckland SPA through provision of offsite measures. These were agreed to be a footpath connection from the site on the periphery of the village recreation ground to the children's

play park, and improvements to footpaths to the south of the site, to the south of Undley Road.

The Decision Notice for the outline planning application sought to secure the requirements of the HRA through a section 106 agreement and planning conditions such that the relevant information to undertake the RM HRA would be submitted. In particular the following conditions were considered relevant:

3 c) A landscaping strategy for the site in sufficient detail to demonstrate the quality of landscaping design and addresses the key issues relating to the landscape as set out on page 3 of the Landscape and Visual Impact Assessment (the Landscape Partnership, July 2013). The information shall include the layout of the external areas, including i) areas of hard landscaping such as surfacing, ii) soft landscaping such as planting, hedges, grassland and boundary treatments iii) details of proposed tree planting including species and size and iv) significant changes in ground level. The strategy should also include, where appropriate, details of proposed phasing and landscaping management and maintenance requirements.

h) A scheme for the design, specification, implementation, maintenance and management of a sustainable urban drainage scheme for the development (that shall be provided separately and in addition to the requirement for public open space provision).

i) Details of all areas to be provided for public open space and other similar public spaces. The provision shall accord with the Council's adopted Supplementary Planning Document for Open Space, Sport and Recreation Facilities (October 2011).

The HRA undertaken at that time screened out effects on Breckland SPA through the pathway of increased built development footprint in Lakenheath, even though the site is located within the 1500m buffer surrounding those parts outside of the SPA which have supported 5 or more nesting attempts by Stone curlew. This was based on data available at that time. Stone curlew data (2011-2015 inclusive) were used in the 2016 review of the constraint zones relating to supporting habitat outside the SPA. In advising on impacts of this planning application upon the SPA, Natural England paid full regard to the relevant nesting records which also informed the revised nesting buffers. The screening also took into account that the development is screened from the SPA by existing development and is separated from the SPA and associated Stone curlew habitat by the B1112 Eriswell Road.

### **Requirement for HRA**

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. Regulation 63 (1) requires that a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, 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.

The Habitats Regulations is also clear in 63(2) that a person applying for a consent or permission must provide the information that the competent authority may reasonably require for the purposes of the Habitats Regulations Assessment.

## **Consultation**

Natural England has been consulted in relation to this Reserved Matters planning application and has commented as follows:

### **26 July 2021**

Natural England objected to the proposals providing a consultation response in relation to the application based on the information submitted with the application including the Preliminary Ecological Appraisal (James Blake Associates, June 2021). Natural England expressed concern that the proposals could have potential significant effects on Breckland SPA and a number of component Sites of Special Scientific Interest. They requested that further information, in particular Stone curlew records for the past 5 complete years of surveying from within 1.5km of the proposed development along with a strategy for offsetting any identified impacts.

The context for this request is set out in Natural England's response letter. In short, they are concerned that the net increase in built development would impact on nesting Stone curlew.

Natural England has also commented on the potential to cause increased visitor numbers to Breckland SPA, which can lead to recreational disturbance as the site is within 7.5km of the SPA. Natural England advise that residential applications within this distance have sufficient green infrastructure to allow recreational activities on site and to ensure there is sufficient strategic green infrastructure in settlements to support residents. They note that public open space is proposed, adjacent to existing sports pitches and a circular dog walking route. They raise concerns about the lack of connectivity to the wider PRoW network.

Natural England goes on to emphasis the context of their advice and the responsibility of the local authority in using that advice in undertaking the Habitats Regulations Assessment and in decision making: *"Whilst Natural England may offer comment on the appropriateness of these measures, or their likely ecological success it is for the Local Authority, in their capacity as the competent authority, to determine the legal status of these measures."*

### **18 August 2021**

Natural England objected to the proposals providing additional comments in relation to the reliance on the Council's HRA that accompanied the Outline planning application noting that:

- in relation to ecological data, The Chartered Institute of Ecology and Environmental Management (CIEEM) advice note on the lifespan of ecological reports and surveys indicates that a report more than 3 years old is unlikely to still be valid; and
- that there has been changes to case law regarding Habitats Regulations Assessments

**27 October 2021**

Natural England objected to the proposals outlining that the information provided by the applicant in relation to Stone curlew was not sufficient and provided advice on the requirements.

**10 February 2022**

Natural England objected providing further comments including that initial analysis of submitted data indicates that the proposed development may have an impact on Stone curlew. NE again outlined why the information provided by the applicant was not sufficient and again provided advice on the requirements consistent with and expanding on previous advice.

**1 April 2022**

Natural England re-iterated their previous advice of 10 February 2022

**22 September 2022**

Natural England commented that without appropriate offsetting the application would have an adverse effect on the integrity of Breckland Special Protection Area (SPA) and damage or destroy the interest features for which Breckland Farmland and Breckland Forest Sites of Special Scientific Interest have been notified. Natural England set out that, based on the Stone curlew Planning Tool, there will be a predicted loss of 0.13 nests per year. The average density for breeding Stone curlew on short semi-natural grassland and heath in Breckland is one pair per 16 hectares. Therefore, to offset the impacts of this development, 2ha of offsetting land should be provided. This could be in the form of a Stone curlew plot.

NE also set out that they welcome the inclusion of 3.51 acres (1.42ha) of public open space within the development

**14 October 2022**

Natural England objected to the proposal to provide offsetting habitat for stone curlew on land within Breckland SPA to the south of Lakenheath Warren SSSI. NE confirmed that they accept the principle of provision of offsetting habitat for Stone curlew potentially displaced as a result of this development, and set out their concerns about the location of the offsetting land as follows:

- The currently proposed offsetting location is within the boundary of Breckland SPA and they questioned whether the provision of offsetting land within a designated site for pairs displaced outside the designated site is compliant with the Conservation of Habitats and Species Regulations 2017 (as amended).
- Providing Stone curlew habitat over 3km away from the site, will not act as offsetting for the birds that would be potentially displaced from the application site
- The proposed site is on a public footpath.

**17 July 2023**

Natural England welcomed the location of the Galley Bottom offsetting site with respect to its proximity to Foxhole Heath SSSI and the incorporation of management techniques of Foxhole Heath SSSI. They noted that the land meets Natural England's criteria for offsetting. In addition, they recommended that:

- Construction of the offsetting land should not disturb stone curlew on Breckland Special Protection Area (SPA).
- In relation to the options for the commencement of development at Land west of Eriswell Road in relation to the stone curlew habitat creation at Galley Bottom, NE expressed a preference of between September and March because construction within the stone curlew breeding season may disturb nesting stone curlew in the surrounding area.
- Any offsetting land must be managed for the life of the development.
- A Habitat Creation and Management Plan is required and the proposals for monitoring are welcomed.

### **European sites and location in relation to the development site**

The development site is located outside of Breckland SPA and outside both the 400m buffer around components of Breckland SPA designated for woodlark and nightjar. The closest component is Lakenheath Warren SSSI located 2km to the east which is within the 7.5km radius within which increased residential development has the potential to lead to in-combination recreational effect in the absence of counteracting measures.

The site is also outside of the 1500m buffer around components of the SPA designated for stone curlew; the closest component is also Lakenheath Warren SSSI and Breckland Farmland SSSI. The site is located within the buffer surrounding areas outside of the SPA which have supported 5 or more nesting attempts by stone curlew (in the period 2011-2015 inclusive).

Breckland SPA is designated because during the breeding season it supports populations of nightjar, woodlark and stone curlew which are of European importance. Stone curlew is a summer migrant which breeds on heathland, grassland and arable land within the Brecks. Nightjar breed almost exclusively in afforested land, particularly in clear-fells and young plantations. The system of rotational clear-felling within the conifer plantations also provides ideal breeding conditions for woodlark. The conservation objectives for Breckland SPA, as set out by Natural England, are in table 1 below.

Breckland Special protection Area (SPA)
Qualifying Features: A133 <i>Burhinus oedicnemus</i> ; Stone-curlew (Breeding) A224 <i>Caprimulgus europaeus</i> ; European nightjar (Breeding) A246 <i>Lullula arborea</i> ; Woodlark (Breeding)
Conservation objectives: Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring: <ul style="list-style-type: none"> <li>- The extent and distribution of the habitats of the qualifying features</li> <li>- The structure and function of the habitats of the qualifying features</li> <li>- The supporting processes on which the habitats of the qualifying features rely</li> <li>- The population of each of the qualifying features, and,</li> <li>- The distribution of the qualifying features within the site.</li> </ul>

<b>Breckland Special Area of conservation (SAC)</b>
<p>Qualifying Features:</p> <ul style="list-style-type: none"> <li>• H2330. Inland dunes with open <i>Corynephorus</i> and <i>Agrostis</i> grasslands; Open grassland with grey-hair</li> <li>• grass and common bent grass of inland dunes</li> <li>• H3150. Natural eutrophic lakes with Magnopotamion or Hydrocharition-type vegetation; Naturally</li> <li>• nutrient-rich lakes or lochs which are often dominated by pondweed</li> <li>• H4030. European dry heaths</li> <li>• H6210. Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-</i></li> <li>• <i>Brometalia</i>); Dry grasslands and scrublands on chalk or limestone</li> <li>• H91E0. Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>,</li> <li>• <i>Salicion albae</i>); Alder woodland on floodplains*</li> <li>• S1166. <i>Triturus cristatus</i>; Great crested newt</li> </ul>
<p>Conservation objectives:</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>• The extent and distribution of qualifying natural habitats and habitats of qualifying species</li> <li>• The structure and function (including typical species) of qualifying natural habitats</li> <li>• The structure and function of the habitats of qualifying species</li> <li>• The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely</li> <li>• The populations of qualifying species, and,</li> <li>• The distribution of qualifying species within the site.</li> </ul>

The proposal is not directly connected with or necessary for the management of the European sites

### **Information for the HRA**

The Applicant submitted a number of documents to inform the Habitats Regulations Assessment as follows:

- Stone curlew (*Burhinus oedicephalus*) Survey Report Revision A – September 2022, James Blake Associates.
- Information to inform HRA Screening and Appropriate Assessment, Revision B – September 2022, James Blake Associates

The LPA has reviewed these documents in commenting on the current proposal.

In addition, the applicant has submitted a planning application (DC/23/1082/FUL) for the provision of offsetting habitat at Galley Bottom for stone curlew potentially displaced by construction of 139 homes at Land West of Eriswell Road, Lakenheath. The application includes a report on the 'Provision of offsetting land at Galley Bottom for stone-curlew' (POL), which sets out how the 2ha of semi-natural grassland will be created, maintained, managed and monitored for the lifetime of the development which is considered to be in perpetuity, and this has been secured by a condition of that planning application.

## **Screening**

### **Breckland SPA**

Based on the location of the proposed development within these buffers around Breckland SPA, likely significant effects cannot be screened out and Appropriate Assessment will be required.

### **Breckland SAC**

The site is located outside of Breckland SAC and beyond the 200m buffer. RAF Lakenheath SSSI is within the fenced airbase with no access for the public and consequently with no increase in risk of impacts from fly tipping, trampling or other anti-social behaviour. No likely significant effect on the SAC have been identified.

The impact of the offsetting proposals at Galley Bottom have been assessed by the applicant to have a beneficial effect on Breckland SAC in that the created habitat immediately adjacent to Foxhole Heath SSSI and SAC would be colonised by flora and fauna which are present on the SAC.

## **Appropriate Assessment**

### **Construction**

The Supplementary advice on conserving and restoring site features, Breckland Special Protection Area (SPA) sets out that "The nature, scale, timing and duration of some human activities can result in the disturbance of birds at a level that may substantially affect their behaviour, and consequently affect the long-term viability of the population. Such disturbing effects can for example result in changes to feeding or roosting behaviour, increases in energy expenditure due to increased flight, abandonment of nest sites and desertion of supporting habitat (both within or outside the designated site boundary where appropriate). This may undermine successful nesting, rearing, feeding and/or roosting, and/or may reduce the availability of suitable habitat as birds are displaced and their distribution within the site contracts. Disturbance associated with human activity may take a variety of forms including noise, light, sound, vibration, trampling, and presence of people, animals and structures".

Stone curlew are known to be sensitive to human-related disturbance. Several research projects have looked at the impact of anthropogenic disturbance on the distribution of stone curlew nests in Breckland. The research found that stone curlews are highly susceptible to disturbance with active responses being recorded at distances of up to 500m from a dog walker (Taylor et al. 2007).

Based on this research, the distance of 500m is considered to be the distance within which development construction activity could impact on stone curlew. Survey (undertaken in 2022) confirmed that stone curlew were not present within 500m of the development site, but nests were within 500-650m from the boundary on suitable land. In addition, the development site is screened to the east by between 200-400m of existing built residential development and separated by the B1112 Eriswell Road. It is unlikely that stone curlew would be disturbed by ongoing construction activity on the site however to ensure that nesting birds are not disturbed by the onset of construction, which is a concern expressed by Natural England in their correspondence of 17 July 2023, if construction were to begin during the period March to September, pre-commencement stone curlew survey should be undertaken to ensure birds are not nesting within 500m of the development site.

Subject to securing this requirement, no adverse effects on integrity of the SPA from construction effects can be ruled out.

### **Built development**

Research ([Clarke and Liley, 2013](#)) has shown that stone curlew nest density was consistently lower on arable land around settlements up to a distance 2500m, and significant at a distance of 1500m. The reasons why stone curlews avoid developments are still unclear. Section 9.17 of the above research suggests that "A range of possible mechanisms could be involved, for example the birds may simply be selecting 'open' habitats in which to nest, or the avoidance may be linked to high levels of people (and therefore disturbance) in the landscape around buildings, obstruction of sight lines (of birds wary of potential predators or disturbers), increased predator abundance, presence of pets (such as cats), increase noise and increased light levels (the birds are active at night)".

The applicants Preliminary Ecological Appraisal (James Blake Associates, June 2021) notes that stone curlew have been recorded within 2km of the site. The applicant has submitted stone curlew data acquired from the RSPB and further survey work undertaken in 2022 has confirmed that stone curlew are nesting within 1500m of the development site.

The 'Information to inform the HRA Screening and Appropriate Assessment' states that the nesting attempts recorded are *well screened by a residential housing environment*. However, research has shown that stone curlew avoid built up areas even where there is no line of sight to development, and this point is made by NE in their response of September 2022.

Based on the information and data submitted, Natural England have tested the impact of the development using their stone curlew Planning Tool (SCPT). The SCPT is designed to calculate the change in the number of stone curlew nests that would be expected following changes in the amount of development within a given area. The predictive model, produced in 2016 and in the form of an excel spreadsheet, is based on the most recent evidence (Clarke & Liley 2013). The model predicts stone curlew numbers for a given area based on data on the distance to the nearest trunk road, area of existing housing, amount of new housing and the amount of woodland. Areas of buildings and other data can be manipulated within the spreadsheet to generate predictions of changes in stone curlew nesting. Natural England used the model to determine whether the proposed development would result in effects. Natural England's Stone curlew Planning Tool predicts that 0.13 nests per year would be lost, post-development.

The displacement effect would relate to stone curlew breeding on land outside Breckland SPA. 'European Site Conservation Objectives: Supplementary advice on conserving and restoring site features, Breckland Special Protection Area (SPA)' states that "A significant proportion of the Stone curlew population in Breckland are known to nest outside the SPA; this is primarily on arable land. Nesting birds outside of the SPA boundary may form part of the wider population but are protected separately by Schedule 1 of Wildlife & Countryside Act, 1981 as amended, and / or SSSI protection if nesting within a SSSI. Having regard to NE's position, that without appropriate offsetting the application would have an adverse effect on the integrity of Breckland Special Protection Area (SPA) and damage or destroy the interest features for which Breckland Farmland Sites of Special Scientific Interest



have been notified” and taking a precautionary approach, the Councils view is that if the population of stone curlew outside the SPA were to be maintained, there would be no adverse effects on the SPA.

In response to the calculated displacement of nests and following Natural England’s advice (dated 28 September 22) that 2 ha of offsetting land is required to offset the impacts of this development, the applicant has submitted a planning application for the provision of offsetting habitat at Galley Bottom for Stone curlew potentially displaced by construction of 139 homes at Land West of Eriswell Road, Lakenheath. That application includes a report on the ‘Provision of offsetting land at Galley Bottom for stone-curlew’ (POL), which sets out how the 2ha of semi-natural grassland will be created, maintained, managed and monitored for the lifetime of the development which is considered to be in perpetuity, and this has been secured by a condition of that planning application.

The timeline for the commencement of development at Land west of Eriswell Road in relation to the stone curlew habitat creation at Galley Bottom, is set out in section 2.3.14 of the POL report. Two scenarios are suggested as follows:

- a) For commencement of development in the period September to March; the offsetting land will be in place by the end of March ready to receive stone-curlew returning from migration.
- b) For commencement of development in the period April to August; the offsetting land should be in place by the end of the preceding March.

Either of these two scenarios are acceptable in ecological terms, however Natural England in their correspondence of 17 July 2023 expressed a preference that the first option where construction would commence “between September and March would be preferable. This is because construction within the stone curlew breeding season may disturb nesting stone curlew in the surrounding area”. In other planning applications where the commencement of development has not been outside the bird breeding season an alternative approach is for a pre-commencement stone curlew survey to be undertaken to ensure birds are not nesting within 500m of the development site.

With the imposition of a condition requiring pre-commencement survey, the timing of the habitat creation at Galley Bottom in relation to the commencement of the development could proceed as suggested in either of the two scenarios which are set out in the POL report and secured by its implementation. Development commencement in relation to this timeline should also be controlled.

Based on the proposed implementation of the Galley Bottom habitat creation, and it’s managed and monitored in perpetuity there would be no adverse effects on integrity of Breckland SPA.

### **Recreational effects**

The potential for indirect recreational impacts on the SPA associated with increased residential properties within the vicinity was considered by the Council in coming to its previous conclusions at the outline application stage. Recreational effects were considered both alone and in-combination with other plans and projects and the conclusion of ‘no adverse effects on integrity’ was reached based on the provision of counteracting measures secured in the outline application. Natural England has

confirmed that the approach to offsetting these effects (dog-walking route and open space) is appropriate. The Outline HRA took into account the commitment for the development to deliver the following specific requirements:

- the provision on the site of opportunities for dog walkers within the site to reduce the need for dogs to be exercised on more sensitive nature conservation sites.
- policy compliant open space on the site which would include areas of open space, including green corridors and natural greenspace.
- a proportionate contribution to influence recreation in the area to avoid a damaging increase in Visitors to Breckland SPA through provision of offsite measures. These have been agreed and are a footpath connection from the site on the periphery of the village recreation ground to the children's play park, and improvements to footpaths to the south of the site, south of Undley Road

A review of the most recent landscape plans shows a perimeter path around the site that will include a link to the recreation ground and, to the walking route along the Cut-off channel to the west of the site. This will provide opportunities for recreational access for the new residents, including to walk their dogs, reducing the need to make trips to the SPA.

Open space on the development site is secured through condition 3i which refers to the councils SPD. Condition 3h secures the further requirement that a scheme for the sustainable urban drainage for the development should be provided separately and in addition to the requirement for public open space provision. The wording of this condition was to ensure that the open space required on this site was not impacted by other infrastructure requirements, in particular SUDs. The applicant has submitted a Public Open Space Plan (LV109-P-117 revB) which shows the distribution of open space on the application site. The plan quantifies the open space as 3.54 acres (1.43 ha). A proportion of the open space (around 0.5ha) is located within a shallow depression to the north of the site which would also have a sustainable urban drainage function during extreme conditions. This space will be of benefit to the public in the time that they have access. However, it appears that the quantity of open space accords with the minimum standard in the open space SPD.

Condition 3c requires that the landscape *strategy should also include, where appropriate, details of proposed phasing and landscaping management and maintenance requirements*. The relevance of the management and maintenance being that the recreational measures provided should be maintained for the lifetime of the development. A landscape management plan (Guide to the Management of Landscape at Eriswell, Road, Lakenheath, February 2023) has been submitted and the implementation of this should be secured if it is not already a condition of the outline planning permission.

The relevance of the phasing plan is to show that the measures proposed will be provided at the same time as the development. The applicant has submitted a Landscape Phasing Plan (250-E-226 and 227). The plan shows that the construction would commence at the central part of the site and would progress in a southerly direction to complete the southern part of the development before the progressing from the central part of the site to complete the northern part of the development. The landscaping and open space would be phased so that the green corridor to the

east of the site and the walking route around the site would be available at the first occupation. This route would link to the new route across the existing sports field and play area. The remainder of the open space would be provided with the adjacent dwellings and highway with the main SUD area provided by the final occupation. Given that the site is adjacent to existing open space which the residents will have access to, this approach is considered acceptable to provide the new residents with open space and places to walk.

The section 106 agreement to the outline planning application secures financial contributions including 'off-site public rights of way contribution' and a 'Strategic Green Infrastructure Contribution'. The contributions are to provide wider connectivity to existing village facilities as follows:

- a footpath connection from the site to the children's play park located on the northern part of the village recreation ground (paid prior to 60 dwellings), and
- improvements to footpaths to the south of the site, to the south of Undley Road (paid prior to first occupation)

These green infrastructure measures will form part of a wider strategy for the settlement of Lakenheath which includes the opening up of the cut-off channel for recreational use connecting existing footpaths to the north and south of the village.

## **Conclusions**

This project level HRA has been undertaken based on the documents submitted as part of the reserved matters planning application including stone curlew survey of the surrounding area.

The development site is located within the buffer surrounding areas outside of the SPA which have supported 5 or more nesting attempts by stone curlew (in the period 2011-2015 inclusive).

Natural England's Stone curlew Planning Tool has predicted that 0.13 stone curlew nests per year would be lost, post-development without offsetting proposals being secured.

The applicant has submitted a separate planning application (DC/23/1082/FUL) for the provision of offsetting habitat at Galley Bottom for stone curlew potentially displaced by construction of 139 homes at Land West of Eriswell Road, Lakenheath. The application includes a report on the 'Provision of offsetting land at Galley Bottom for stone-curlew' (POL), which sets out how the 2ha of semi-natural grassland will be created, maintained, managed and monitored for the lifetime of the development which is considered to be in perpetuity, and this has been secured by a condition of that planning application.

In line with the precautionary principle which is enshrined in the Habitats Regulations and based on the current submission, Natural England's consultation responses and the commentary above, the local planning authority, as competent authority, is able to conclude that there would be no adverse effects on the integrity of Breckland SPA if the following mitigation measures are secured.

- If construction were to commence during the period March to September (the stone curlew nesting season), pre-commencement stone curlew survey should be undertaken to ensure birds are not nesting within 500m of the development site.

- Commencement of development should be controlled such that either of the two scenarios in section 2.3.14 of the POL report relating to the timescale of development commencement in relation to habitat creation at Galley Bottom are achieved.

- The landscape layout and detailed soft and hard landscape plans (JBA21 104 01 - JBA21 104 06 rev G), the landscape management plan (Guide to the Management of Landscape at Eriswell, Road, February 2023) and the landscape phasing plan (250-E-226 rev C and 250-E-227 B) must all be implemented and this should be secured in the RM decision unless it is already secured as a condition of the outline planning permission.