

Date: 29 July 2022
Our ref: 401798
Your ref: 2022/1108



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BY EMAIL ONLY

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Dear Sir/Madam,

Planning consultation: Construction of an Anaerobic Digestion facility (part retrospective), Revised application following withdrawn planning application 2021/2788.

Location: Deal Farm Kenninghall Road Bressingham Norfolk IP22 2HG

Thank you for your consultation on the above dated 27 June 2022 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Following additional comments received on this proposal from our Senior Specialists on Air Quality, Natural England have updated our advice for this proposed development. This advice supersedes our previous advice dated 18 July 2022 (our ref: 398367).

**SUMMARY OF NATURAL ENGLAND'S ADVICE
FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES**

As submitted, the application could have potential significant effects on:

- Blo' Norton and Thelnetham Fens Site of Special Scientific Interest (SSSI)
- Breckland Forest SSSI
- Breckland Special Protection Area (SPA)
- Redgrave and Lopham Fens SSSI
- Redgrave and South Lopham Fens Ramsar
- Shelfhanger Meadows SSSI
- Waveney and Little Ouse Valley Fens Special Area of Conservation (SAC)
- Wortham Ling SSSI

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

Additional work on the air quality assessment and appropriate assessment is required to enable it to be sufficiently rigorous and robust to conclude the proposal will not result in adverse effect on the integrity of the referenced sites. Please see our detailed advice below for further guidance.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

NATURAL ENGLAND'S DETAILED ADVICE

1) Advice under the Conservation of Habitats & Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended)

Additional Information required

Habitats Regulations Assessment (HRA)

Natural England notes that the applicant has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended) ("Stage 1 HRA screening and stage 2 appropriate assessment", Enzygo, dated 13 June 2022). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question.

Having reconsidered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England's advice is that the assessment is not sufficiently rigorous or robust to justify this conclusion and therefore it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. We advise that your authority should not grant planning permission at this stage.

We advise that the following additional work on the assessment is required to enable it to be sufficiently rigorous and robust (please note: all references to 'air quality assessment' refer to the "Air quality assessment for planning permission", Enzygo, dated June 2022:

- It is advised that the results tables in air quality assessment are updated to show at least one decimal point in the process contribution so it is clear whether or not the 1% threshold has not been exceeded.
- The inclusion of the NO_x and SO₂ results tables for the in-combination section of the air quality assessment.
- The air quality assessment indicates that the process contribution of acid deposition is 1% of the critical load at designated sites (tables 40 and 44). 1% is the threshold at which Natural England advise there could be a likely significant effect and therefore on the precautionary principle, it is recommended that an appropriate assessment is carried out. We acknowledge that there are high background levels of acid deposition. For example, at the ecological receptor site, E1 (table 40), the Predicted Environmental Concentration (PEC) is over 300 and it would be expected that some physical effects would be evident in the more sensitive species. Natural England would suggest looking at what is on site for evidence of acidification, which may include soil samples to look at buffering capacity in order to provide a conclusion that the habitats are able to buffer themselves.
- Stating within the appropriate assessment that as the modelling shows a process contribution less than 1% there is no adverse effect on integrity is not considered adequate. The appropriate assessment should follow the steps detailed in [Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations - NEA001](#). As stated in our comments for the previous planning application at this site (your ref: 2021/2788, our ref 389372, dated 6 May 2022), although NEA001 was originally written for assessment of road proposals, the advice is applicable to all proposals where air pollution could impact on sensitive sites, not just roads.
- Having reviewed the applicant's shadow HRA and the in-combination assessment, Natural England accept the reasoning for the exclusion of the development at Calkewood Lane Farm (Mid Suffolk District Council, ref. DC/19/01569) as it was for replacement buildings at an

existing poultry farm, which would already be included in the background data. However, the development at Falcons Hall Farm (Mid Suffolk District Council, ref. DC/21/01659), which was granted in 2021 is new and so should be considered in an in-combination assessment (including associated traffic) as there was no “alone” likely significant effect (LSE) for this application.

Natural England should be re-consulted once this additional work has been undertaken and the documents have been revised.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

2. Other advice

Further general advice on the protected species and other natural environment issues is provided at Annex A.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our [Discretionary Advice Service](#).

Please consult us again once the information requested above, has been provided.

Yours faithfully

Emma Hurrell
Norfolk & Suffolk Team

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the [National Planning Policy Framework](#) (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)². Natural England does not routinely hold species data, such data should be collected

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.1](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.1](#) and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.1](#) and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 100 and 174 of the NPPF highlight the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).