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Elizabeth Truss MP
House of Commons
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From Richard Benyon MP
Minister for Natural Environment and Fisheries

Dear Liz,

Thank you for your recent letter to the Secretary of State asking for views on how the business needs of farmers can be balanced with environmental obligations. I am replying as the Minister responsible for this policy area and I apologise for the delay in doing so.

I recognise your concerns that the planning system, in regard to environmental considerations, can appear burdensome to farmers who wish to develop their business quickly and efficiently. I also recognise the important role the farming industry plays in the achievement of our biodiversity objectives.

It is hard for me to comment on the case of Abrey Farms as I do not know the detail of their case. However, we should not overlook the vital role that sites protected under the EU Habitats and Birds Directives – which include sites classified as Special Protection Areas under the Birds Directive – play in the protection of our rarest and most threatened habitats and species. Indeed this network of protected sites is regarded as a cornerstone of EU Biodiversity policy and the UK is fully committed to meeting our legal obligations in respect of such sites. I do concede that if the proposed development is on a brownfield site, it is hard to understand why it was such an issue to a bird whose habitat is chiefly in the centre of fields, although clearly it is essential for Natural England to take a precautionary approach given the importance of the site.

Wherever the legal obligations of our designations include a requirement that any development proposals (plans or projects) that may have a significant effect on the conservation features of a protected site they are carefully scrutinised to identify any impacts. There is a process to be followed, and some of the issues to be considered can be complex. The objective of this approach is to ensure that developments that would have an adverse affect on the protected site are only allowed when certain strict criteria are met. While I fully accept that these procedures should not be the cause of unnecessary delays in the planning process, I must emphasise the importance of ensuring these assessment requirements are fully met. A legally flawed consent is unlikely to be of assistance to your constituent.

As you know, Natural England is the Government's statutory advisor on the natural environment and one of its roles is to provide advice to local planning authorities. It is a statutory consultee on any application which may have a significant impact on a site protected under the EU Directives. In this role it is very conscious of the needs of businesses and will always strive to find solutions that address these needs, whilst ensuring that conservation objectives and legal obligations are met.

Abrey Farms are to be applauded for their work in increasing the numbers of stone curlews. This is a rare breeding species in England with 370 pairs breeding in two main areas, the Wessex Downs and Breckland. It is one of the main interest features of the Breckland SSSI and SPA and this site supports about two thirds of the English population. The population has been increasing steadily in recent years in response to targeted conservation action lead by Natural England and RSPB, representing a partial recovery from a long-term decline. Research has shown that this ground nesting species is highly vulnerable to disturbance from human activities including direct disturbance by people, as well as the effects of road traffic, artificial lighting and predators associated with human developments.

Recent research has demonstrated that developments outside of the SPA can have an impact on the designated stone curlew population. This research was tested at Examination in Public and now forms part of Breckland Council's planning policy. While much progress has been made, Natural England, Breckland Council and the RSPB are in ongoing discussions aimed at clarifying the implications of the policy.

Being a new and complex policy area it has taken a little time to understand the implications on certain types of development, such as that proposed at Abrey Farms. Having thoroughly considered the proposed development at Abrey Farms, Natural England advised it would not result in an adverse impact to the stone curlew population, and permission was granted. Natural England acknowledges that in this case it did take some time to conclude the planning decision process. However, it is important to note that the additional time spent in finding a solution ultimately avoided the need for a public inquiry. I would always be willing to learn of ways in which the processes we have to follow could be speeded up.

If Abrey Farms wish to undertake further additional development it is important that early discussions take place with Natural England and the local planning authority. Such discussions should be used to identify potential impacts and develop any necessary mitigation which will allow the development to proceed. To assist this process I understand that the local Natural England officer will make contact with [REDACTED] and offer a meeting. I am copying this reply to the Chief Executive of Natural England, Helen Philips.

Yours ever

Richard

RICHARD BENYON MP