



Elizabeth Truss MP

Member of Parliament for South West Norfolk

The Limes

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Sent: 15 October 2012 10:44

To: [REDACTED]

Subject: Stone Curlew Appeal details

[REDACTED] thank you for yours and Liz's time on Friday.

You asked for some more detail on the above.

The application was for a largish domestic garage at The Arms, Little Cressingham and was refused on the grounds of harm to Stone Curlews and siting (it was situated in the front of the property). You will really only be interested in the Stone Curlew argument.

Aware of the risk, our client, [REDACTED], commissioned a wildlife expert report that concluded there was no potential to harm the Stone Curlew or its habitat. We sent this to Natural England who accepted the report and confirmed that they would not object.

Notwithstanding the above, Breckland Council decided to refuse the application on the basis of their Special Protection Area (SPA) policy CP10, and did so by ignoring both the specialist advice submitted by the applicant, and Natural England's consultation response. Breckland are required to consult Natural England and 'must ... have regard to...' that advice under section 61 (3) of the Conservation of Habitats and Species Regulations.

My wider point however was based around the Natural England standing advice that requires all Local Planning Authorities to refuse to accept any planning application where there is a potential protected species risk and where further surveys are required.

Regards

[REDACTED]

From: TRUSS, Elizabeth [mailto:elizabeth.truss.mp@parliament.uk]

Sent: 26 October 2012 09:41

To: PS/Richard Benyon (Secretariat); [REDACTED]

Subject: FW: Stone Curlew Appeal details

POST ROOM

Dear Richard and Nick,

I am writing on behalf of my constituent [REDACTED]

[REDACTED] who is concerned about the planning regime and the Habitats Directive. [REDACTED] was recently involved with a planning application where Natural England judged that there would be no adverse effects arising from the project, but the local planning authority judged that due to the fact the proposed new building was within a special protection area, it was declined. [REDACTED] appealed and it went through to the planning inspectorate which found in his favour.

[REDACTED] is concerned about the implementation of the Habitats Directive and the effect this is having on planning. It also appears that different councils implement the Habitat Directive in different ways. He is also concerned about the blanket approach taken to applications where surveys are required, suggesting instead that applications should be allowed to proceed with the understanding that if a survey is required, then this will take place but will run in tandem as the application proceeds through the planning process. So many applications are delayed because it is the wrong time of year for nesting, migration patterns occur at only certain times in the calendar etc. This is costing considerable sums of money and is damaging not only the self-builder but the larger developments as well.

The Habitats Directive, especially in relation to the Stone Curlew, is a particular issue in my South West Norfolk Constituency. I have had a number of cases similar to the one mentioned above and I would appreciate the chance to have an early meeting with you both to discuss a common sense approach to this.

Best wishes,

Elizabeth Truss MP