From: [redacted]
To: crownapplications@planninginspectorate.gov.uk
Cc: Crown Casework
Subject: Barnham Mod camp formal objection natural England EIR discovery (Cases 552413 and 554230) and the binding High Court case law (Shadwell) v Breckland
Date: 11 September 2026 12:36:48

[redacted]

Dear Sir / Madam,

I am writing to submit a formal objection to the Home Office's proposed Urgent Crown Development application for a high-density asylum accommodation facility at RAF Barnham Camp. This objection is raised on the grounds of severe, unresolved ecological conflicts with internationally protected nature sites, procedural prematurity, and direct non-compliance with established High Court case law.

1. Procedural Prematureness and Active Discretionary Advice Cases

A recent formal disclosure by Natural England under the Environmental Information Regulations 2004 (EIR Refusal Notice under Regulation 12(4)(a)) reveals that the environmental assessments for this site are highly volatile, incomplete, and actively contested.

Natural England has confirmed in writing that the Home Office is currently engaged in ongoing, live consultations regarding a draft Habitats Regulations Assessment (HRA) and Preliminary Ecological Appraisal under active **Discretionary Advice Service (DAS) case numbers 552413 and 554230**. Furthermore, Natural England explicitly stated they hold no record of ever advising that these constraints are legally settled or mitigated.

Because the statutory nature conservation body's scientific review is currently active and unresolved, this Crown Application is legally premature. Under the **Conservation of Habitats and Species Regulations 2017 (as amended)**, the decision-maker cannot lawfully grant approval while the baseline HRA data remains under ongoing dispute and review.

2. Direct Conflict with Established High Court Case Law on the Breckland SPA Buffer

We formally object to the proposed development on the grounds that it directly breaches the established legal and scientific threshold for protecting the **Breckland Special Protection Area (SPA)**. The binding High Court precedent in ***Shadwell Estates Ltd v Breckland District Council*** **[2013] EWHC 12 (Admin)**firmly established that a strict **1,500-metre protection buffer** around the SPA is fully justified under the precautionary principle to prevent significant disturbance to breeding populations of ***Burhinus oedicnemus*** **(Stone-curlew)**. In *Shadwell*, the High Court ruled that statutory planners must accord **'considerable weight'**to the expert evidence of Natural England, concluding that keeping high-density human developments entirely outside this 1,500m zone is legally sound and necessary to prevent an Adverse Effect on the Integrity (AEOI) of the European site.

The proposed development at RAF Barnham Camp sits directly within this internationally protected 1,500m buffer zone. The introduction of a high-density, 1,250-person residential accommodation facility within this sensitive footprint carries an inescapable legal presumption of ecological harm. Under the *Shadwell*precedent, the statutory conservation framework must be applied consistently; the Home Office cannot be granted a baseline exemption to bypass a geographic restriction that the High Court has already ruled is an absolute barrier to private and local authority developments. Consequently, in line with the strict **precautionary principle** mandated by the Habitats Regulations and reinforced by binding case law, this application must be refused.

3. Demand for a Public Appropriate Assessment

Because the screening stage of an HRA cannot legally take into account any mitigation measures (*People over Wind* [2018] C-323/17), and given the massive scale of human displacement proposed within the 1,500m Stone-curlew buffer,

it is scientifically impossible to rule out a Likely Significant Effect (LSE).

Therefore, a full **Appropriate Assessment (AA)** is legally triggered. We demand that the ongoing reviews under DAS cases 552413 and 554230 be subjected to full public scrutiny. The Home Office must not be permitted to bypass local planning frameworks via closed-door advisory services without a transparent, publicly consulted AA that completely removes all reasonable scientific doubt regarding bird disturbance and habitat fragmentation.

Conclusion

The Ministry of Housing, Communities and Local Government is legally bound by the precautionary principle. Approving this high-density facility in the face of an unresolved HRA review and direct High Court precedent (*Shadwell*) would render any final decision highly vulnerable to an immediate statutory challenge and Judicial Review.

We strongly urge the Planning Inspectorate to uphold the integrity of the Breckland SPA and refuse this application.

(Barnham conservation group)

Natural England has historically and consistently maintained that built development within the 1,500m Breckland SPA buffer triggers an Adverse Effect on Integrity, as upheld by the High Court in Shadwell v Breckland Council (2013). The Home Office cannot logically claim that a massive 1,250-person high-density accommodation facility can magically mitigate the exact bird disturbances that have historically seen small residential builds blocked in the exact same footprint."

Yours faithfully,

Kay Eggleston (Barnham camp heritage and conservation group) petitioner 6k

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Enclosure: Natural England EIR Disclosure Notice (Ref: Cases 552413 / 554230)

Sent from my iPhone