

Planning Inspectorate ref EN 610106 SUNNICA

Interested Party reference 20030660

Dear Mr Wheadonr

Stone Curlew

Natural England have produced no evidence to show the Stone Curlews in the Sunnica site are not part of the Brecklands SPA.

Natural England's own report (Breckland Special Protection Area (SPA) Site Code: UK9009201) (Appendix 1) notes the following:

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.

Due to the mobility of birds and the dynamic nature of population change, the target-value given for the population size of this feature is the minimum standard for conservation/restoration measures to achieve (subject to natural changes).

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)¹.

A further study carried out by Sharp et al, 2008 found that Stone Curlew nest density was consistently lower on arable land around settlements up to a distance 2500m. This consistency across the whole study period (1988 - 2006) provides strong long-term evidence of some negative impacts or association of housing on Stone Curlew densities on arable land. Similarly, a significant avoidance of trunk roads was also found. The research was used to inform a comprehensive study undertaken by Breckland Council as part of the Habitat Regulations Assessment (HRA) of its Core Strategy. Date of Publication: 31 Aug 2022)

The Sunnica East B site overlaps the current SPA buffer zone (App 2), and it is recorded that curlews will travel up to 3km to feed², so pairs from the Breckland SPA are highly likely to be feeding in the Sunnica West area.

Not only that but Sunnica themselves recorded Curlews nesting in the Sunnica B area in 2019, 2020 and 2021, along with other pairs in Sunnica A in 2019 and 2020.

Local ornithologists are aware of pairs nesting in Sunnica East A in 2022 and 2023 and feeding in the fields to the North of Isleham.

¹ TAYLOR, E. C., GREEN, R. E. & PERRINS, J. (2007) Stone curlews *Burhinus oedicnemus* and recreational disturbance: developing a management tool for access. *Ibis* 149:37-44.

² **Habitat selection, ranging behaviour and diet of the Stone Curlew (*Burhinus oedicnemus*) in Southern England**
Journal of Zoology 250 (J2) 161-183 Tyler and Bowden

The siting of the main mitigation area for the stone curlew on Sunnica East A is approximately 1 km from the substation, warehouse and office complex at Lee Farm- likely therefore to be the site of most frequent human activity.

NE own note to Breckland Council cites the following:

Evidence (Clarke et al. 2013) suggests Stone Curlew are sensitive to urban edge effects, residential development and recreational disturbance, all of which may negatively impact nest density. This evidence has shown that stone curlews respond to potential disturbance events including road traffic, walkers and dog walkers from long distances. Nesting Stone curlew are also likely to actively avoid buildings, with nesting birds believed to be particularly sensitive to changes in the landscape and built environment. (Appendix 3)

Natural England's advice has been that “for residential developments, where we have been able to rule out an adverse effect on the integrity of the SPA alone, we cannot rule out impacts from developments in-combination (currently planned developments) and cumulatively (the cumulative increase of residential development in a given area over time).

The siting of the mitigation area is far from ideal and the cumulative effects of the solar panels, substations and batteries with associated continual noise in such proximity are highly likely to cause disturbance to the birds over a prolonged period.

Unless NE have conclusive evidence that the birds are not part of the Brecklands SPA group the planning authority should assume that they are.

ALC

The Agricultural Land Classification has been the most contested factor throughout this process but was one of the most easily resolvable.

The issue could have been resolved fully for the Planning Authority at any point over the last 4 years by Natural England requesting an independent ALC survey of some of the area. That they have not done this is a failure to properly undertake their duty as a Statutory body.

The ALC survey submitted by DBSC on behalf of Sunnica (who were paying DBSC) does not comply with British Society of Soil Science (BSSS) guidelines in several areas as pointed out by experts employed by the SNTS group.

Natural England have failed to scrutinise properly the DBSC survey for Sunnica and have entirely failed to answer the criticisms voiced by other experts.

BSSS are the acknowledged leaders in this area, producing guidance notes specifically for planning authorities and, with Cranfield University, training agronomists in the correct way of carrying out ALC assessments. That the DBSC report does not comply with industry standard guidelines is a major failing.

Natural England have also not considered the discrepancies between the archaeology reports on Sunnica Site A and DBSC findings as referred in Rep 10-058 The pictures from the

archaeological surveys below clearly show the significant depths of soil in the areas surveyed. Frequently a layer of chalk was reached which would have been permeable to roots, with further layers of soil below. (APP075, PDA 002).



Plate 1: Field E26 Trench 1443 showing the flooded and icy conditions



Plate 2: Field E01 Trench 1197 showing the fen edge peat deposits, looking north

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Report Number 2508

The pictures of trenches in the DBSC report (APP 115) were not of soil pits dug by DBSC but were of random archaeological trenches which were not representative of either DBSC or the archaeologists' findings, and appear to be the first trench opening before the archaeologists dug the full depth.

These failures by NE are significant, it is genuinely concerning that good agricultural land may be lost to development due to a lack of scrutiny on the part of a statutory body.

Kind Regards

Anne Noble