



National Grid Ventures

E-mailed to: [REDACTED]

## Regulation 77 of the Conservation of Habitats and Species Regulation Application

**Town and Country Planning Act 1990**

**The Town and Country Planning (General Permitted Development Order) Regulations 2015 (as amended)**

**The Conservation of Habitats and Species Regulations 2017**

<b>Our reference</b>	DC/24/2714/CON
<b>Date valid</b>	29 July 2024
<b>Site</b>	LionLink Scheme, Walberswick and Reydon, Suffolk
<b>Parish</b>	Walberswick
<b>Proposal</b>	Consultation - Review and approval, under regulation 77 of the Habitat regulations, of the Onshore Ground Investigation Works HRA and SSSI Assessment Reports

East Suffolk Council sent a copy of the application to Natural England as the appropriate nature conservation body, which stated no objections subject to appropriate mitigation being secured. East Suffolk Council took account of these comments and sent a copy of the representation from Natural England to the applicant, in accordance with Schedules (3) and (4) of Regulation 77.

East Suffolk Council finds that subject to mitigation the works will not result in Adverse Effect on the Integrity of the identified European designated sites as described in the Applicant's submitted report and highlighted in Natural England's consultation response.

A Unilateral Undertaking has been submitted which places a legal obligation on the Applicant to abide by the required mitigation measures discussed in this application. The Unilateral Undertaking provides a legal mechanism for East Suffolk Council to enforce the necessary European Designated Site mitigation measures. These measures relate to the required borehole mitigation necessary to avoid Adverse Effects on Integrity being introduced on the identified European designated sites.

The Unilateral Undertaking sets out the following measures:

- the survey works will only be undertaken during the months of September and October in any given year (sufficient to avoid any disturbance impacts to the qualifying breeding bird species);
- the Applicant shall not commence the works until the suitable deployment of acoustic barriers at the required ground investigation locations set out in this report; and
- the route utilised by all vehicles to access Borehole B will avoid any vegetated areas as well as any bare shingle which could be suitable for colonisation by vegetated shingle.

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The Unilateral Undertaking has secured the necessary mitigation measures which provides East Suffolk Council with confidence that the works within the scope of the submitted Report to Inform a Habitats Regulations Assessment for Ground Investigation Works will not adversely affect the integrity of the identified European Designated Sites. In light of this, the works proposed within 500m of the identified European designated sites can be considered to benefit from permitted development rights with implementation of the identified mitigation measures being secured via Unilateral Undertaking.

In the light of the conclusions of the assessment East Suffolk Council as the local planning authority can approve the development having ascertained that it will not adversely affect the integrity of the site, in accordance with Regulation 77.

This application under Regulation 77 of the Habitats Regulations is hereby approved by East Suffolk Council as local planning authority for the purposes of the above regulations, for the development described in the plans(s) and information.

Yours sincerely,



**Ben Woolnough MRTPI | Head of Planning, Building Control and Coastal Management East Suffolk Council**

**Date:** 18 October 2024

Natural England provided some advisory comments in their response which have been repeated below for ease:

### **Site of Special Scientific Interest**

*Should prior approval be given, and before a landowner commences a permitted development within a Site of Special Scientific Interest (SSSI), they must give written notice to Natural England and await its consent ([Sites of special scientific interest: managing your land - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/sites-of-special-scientific-interest-managing-your-land)).*

*Should prior approval be given, and before a public body, statutory undertaker or other body commences a permitted development within or might affect a Site of Special Scientific Interest (SSSI), it must give written notice to Natural England and await its assent or, in some cases, its advice ([Sites of special scientific interest: public body responsibilities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/sites-of-special-scientific-interest-public-body-responsibilities))*

### **Protected Species**

*In addition to the advice in this letter, there may be impacts on protected species and a mitigation licence may be required from Natural England. Further information can be found here <https://www.gov.uk/guidance/wildlife-licences>*

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