

Sandra Homcenko

From: Stuart Carruthers [REDACTED]
Sent: 28 October 2024 09:36
To: Michael Burton; SM-NE-Consultations (NE)
Cc: heineplanning; Annette; Local Plan Review; Luke Brown; Cllr James Moriarty; Borough Planning; JFL*
Subject: Fwd: Kings Lynn local Plan - Habitats regulations assessment - CAPITA document mail 1 of 3

Hello Michael

The main issue with the European sites is that they are impossible to identify.

The reason for this is simple. Either, Natural England and/or the Joint Nature Conservation Committee for the Secretary of State should have provided to every local land charges authority and/or Land Registry a copy of:

- a) the notice of designation;
- b) a copy of the plan identifying the extent of the designation
- c) a copy of the citation

The Secretary of State designates (not Natural England). The Local Authority registers. Once the LA registers it becomes the enforcing authority - not Natural England.

Once a Local Land Charge is registered it can be varied or quashed if it is based on false information. There is no need for involvement of Natural England.

Natural England advise if requested by the Local Land Charges Authority if the charge should be varied or quashed.

I can vary every European site in Norfolk based on information that Natural England has provided and have the river Waveney removed from any European designation. I can certainly get rid of about 50% of the SAC habitats based on Natural England's own advice. The required evidence base exists and is available from Natural England (but they have no authoritative information).

However, I can't do this as Natural England / JNCC have not registered any Local Land Charge with the Council's. They make them up.

The best that I can do.. is produce an appropriate assessment for a site (you have the baseline) and identify that:

a) the Council's taxes (GIRAMS) are flawed as they are not based on proper identification of a European site, and don't properly take account of recreational impacts;

b) the Council's accepting (Nutrient neutrality) advice from Natural England (Waveney and Yare) and levying taxes stopping development is stupid.. as Natural England have not properly identified the European site.. and in both cases (Wensum and Yare) they should not be European sites - and English Nature were told this before they were designated - and failed to tell the Secretary of State..

c) Birds depend on ranges (not designations).. and to have a breeding pair you need a lot of land(habitat). The reason that bird flu happened was because the sea birds were starving (no food - no immunity) = population crash.

The Inspectors eyes will glaze over in an enforcement / planning appeal.. Natural England will if they attend identify that they are acting for DEFRA and that the Inspector has no jurisdiction at appeal to overturn a DEFRA decision.

This does not change the fact that the Council should not be making decisions on designations (for which the Council is not responsible) but a Local Land Charge that can be varied and altered if it is false.

Biodiversity Net Gain.. This has a statutory metric.I have to fill in the metric (and identify that it does not work). It is a nature conservation metric not a biodiversity metric. Council's won't validate a planning application without a completed metric. There have already been about 7 versions.. and you can't avoid the fact that a human (as an apex predator) has about 15,000 species of plant and animal living either on them or in them. An Oak tree only has about 2,500. Housing automatically leads to a massive increase in biodiversity. This has all been through DEFRA.. and Natural England has admitted to changing regulations to secure a nature conservation metric.. and to also providing non-authorative and non authorised information to Council's and the general public.

I have to do this for every appeal / application that is submitted.. and is a waste of my time and the Council's.. as most application will be affected.

If I was a PINS Inspector I would be requesting copies of all Local Land Charges for every European site in the district of a Council.. and for neighbouring Council's that Natural England claim impacts on the Local Land Charge.

= No Local Land Charge - no Local Plan Policy and no GIRAMs and /or Nutrient neutrality. this negates most SPAs (as they are mainly marine and not a Local Land Charge). You have no authority to claim a Canute charge.

As far as I can determine and this is after about a year of seeking to obtain the register entries of European sites from Naturall England / JNCC / DEFRA they have either been lost or destroyed. They are not publicly available. This would mean that any Council that identified a GIRAMS exclusion zone, Stone Curlew exclusion zone etc.. or sought inclusion of a nutrient neutrality zone was acting unlawfully if they sought to have these identified in their local plan as they don't have a Local Land Charge and Natural England it appears are making them up through consultants working for Council's.

Almost every Council in England has been subject to what appears to be what seems to be a fraud by Natural England.

I can also take this issue through the Council's complaints process - as there is no way that you should be accepting advice from Natural England that is not based on a Local Land Charge (for which the Council is the originating authority).

It would probably also be possible to raise the issues with the European Court of auditors and/or the relevant Parliamentary Committee. Forestry Commission granted a felling licence to the UK Highways Authority in about 2006 for about 250,000 of woodland without informing the owners. The only reason for this appears to have been to enable DEFRA to make payments under the Structural Funds to Forestry Commission (land being actively managed for forestry). This then led to flaws in inventories etc.. to max out on the funding available..

Could you add this to the information for the Inspectors. I have informed Natural England that their advice to the KLWNBC is not well founded (this is already admitted by Natural England and it understood that they are seeking emergency funding to develop authoritative and authorised information assets. This will probably take Natural England 5 - 10 years to put in place.

If it would assist Natural England I am more than happy to forward them a copy of the appropriate assessments of the KLWNBC Local Plan entries that impact on my client base.

Stuart H CARRUTHERS
[REDACTED]

----- Forwarded message -----

From: **Michael Burton** [REDACTED]

Date: Mon, 28 Oct 2024 at 07:59

Subject: RE: Kings Lynn local Plan - Habitats regulations assessment - CAPITA document mail 1 of 3

To: Stuart Carruthers [redacted]

Cc: heineplanning [redacted] Feeney, Annette [redacted] Local Plan Review <lpr@west-norfolk.gov.uk>, Luke Brown [redacted], Cllr James Moriarty [redacted], Borough Planning <borough.planning@west-norfolk.gov.uk>

Good Morning Stuart

Documents received, with thanks. We will add these to your representation in response to the current Local Plan (Main Modifications Part 2) consultation. Following the close of the consultation (29 November), we will pass these on (with other representations) to the Inspectors for their consideration.

Regards and best wishes

Michael Burton, Principal Planner



Borough Council of
King's Lynn &
West Norfolk



The above information is informal and without prejudice to any future decisions made by the Local Planning Authority.

From: Stuart Carruthers [redacted]
Sent: Sunday, October 27, 2024 8:04 PM
To: Feeney, Annette [redacted] Local Plan Review <lpr@west-norfolk.gov.uk>; Michael Burton [redacted] Luke Brown [redacted] Cllr James Moriarty [redacted] Borough Planning <borough.planning@West-Norfolk.gov.uk>
Cc: heineplanning [redacted]
Subject: Kings Lynn local Plan - Habitats regulations assessment - CAPITA document mail 1 of 3

[External Email]

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Hello

I have prepared a document - this should be usable by the Norfolk Council's to quiz Footprint who they have apparently commissioned again.

The document provides an appropriate assessment under 63(2) for GIRAMS, Nutrient Neutrality and information about BNG

The document identifies that:

- 1 there should be no GIRAMS as there is no access to European sites unless Natural England are paid to provide access. This is quantified.
2. there should be no nutrient neutrality in the KLWNBC area as the Wensum should not have been registered as a SAC - and English Nature had been informed.

The document is suitable for the purposes of the KLWNBC Local Plan Review

It is to be added to for Planning Applications in the district and elsewhere in the Norfolk Council's area. I have an enforcement appeal in Breckland at the moment and they have used all the Natural England garbage.

I have in writing from Natural England that the data they provide to the public and Council's is not authoritative and is also not authorised for development and deployment and that there is a need for emergency funding to correct the Natural England problems. The Footprint Ecology report in 2017 is wastepaper and is of very poor quality.

Stuart H CARRUTHERS



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