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BY EMAIL ONLY

Dear John

Richmondshire Local Plan Core Strategy – submission draft

Thank you for your consultation dated 3 August 2012, which we received on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Overview

We are pleased to note that a number of comments we made during earlier rounds of consultation have been taken into consideration during plan preparation. For example, the incorporation of green infrastructure within CP1 responding to climate change.

We do not have fundamental concerns about the soundness of the submission draft in respect of those aspects upon which we are able to comment.

However, there are certain elements of the submission draft where we suggest there is still scope for improvement. For example, in order to increase effectiveness or consistency with national policy. These are covered in the comments below.

Detailed comments

Core policy CP2: Achieving sustainable development

References to promoting the quality of natural resources and protection of the Best and Most Versatile agricultural land are welcome. However, there is no direct reference to soils. We recommend the Council considers making such reference, which would be more consistent with National Planning Policy Guidance (NPPF) (paragraph 109) *"The planning system should contribute to and enhance the natural and local environment by . . protecting and enhancing soils . ."*

The policy states that *"development should utilise previously developed land first (brownfield land) where that land is in a sustainable location . .".* On occasion such sites may have significant biodiversity or geological interest. That is recognised in NPPF (paragraph 111) *"Planning policies and decisions*

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should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value." We recommend the Council considers inserting text to more clearly embed this requirement within the plan.

Core Policy CP4: Supporting sites for development

The reference to landscape character in this policy is supported. Another important landscape attribute in certain areas is tranquillity. NPPF (paragraph 123) advises *" Planning policies and decisions should aim to… identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason."* It is not clear to us how far the Council has considered tranquillity as part of the plan preparation process. We recommend it consider whether the inclusion of reference to the protection of the tranquillity, in areas such as the AONB, would be appropriate.

Core policy CP12: Conserving and Enhancing Environmental and Historic Assets

The NPPF advises (paragraph 113) that *"distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks"*. As currently drafted the policy and supporting does not make clear distinction between, for example, international, national and locally designated sites. We recommend the Council consider amending the text to reflect such distinction.

The submission draft does not appear to be accompanied by a proposals map and does not appear to map components of the local ecological network in terms of existing assets or restoration and creation opportunities. That would appear to be contrary to the advice of the NPPF (paragraph 117) *"To minimise impacts on biodiversity and geodiversity, planning policies should… identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation."* We recommend the Council amends the plan so as to map the components of the local ecological network and key restoration and creation opportunities.

The NPPF (paragraph 152) outlines the "mitigation hierarchy" - the avoidance of adverse impacts wherever possible, followed by mitigation and, as a last resort, where adequate mitigation measures are not possible, compensatory measures. We recommend the Council considers re-drafting the policy to more clearly reflect this hierarchy. For example, under point 2: *"2. Where avoidance of adverse impacts is not possible, necessary mitigation must be provided to address potential harmful implications of development. Where adequate mitigation measures are not possible, compensatory measures will be required."*

The references to the various local and regional biodiversity strategies and action plans are welcome. However, it is not clear whether the support these for amounts to the achieving the net gains for nature referred to in the NPPF (paragraph 9) *"Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life, including (but not limited to)… moving from a net loss of bio-diversity to achieving net gains for nature."* We recommend the Council consider the addition of an unequivocal reference to achieving a net gain for nature.

Table 6: Local Plan Infrastructure Delivery Plan Projects

Paragraph 5.24 explains that significant open spaces and green corridors are identified in the Local Plan Core Strategy to ensure their maintenance and improvement. However, we note that Table 6 listing infrastructure delivery projects does not appear to include any green infrastructure projects. NPPF (paragraph 114) explains local planning authorities should *"set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of*

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networks of biodiversity and green infrastructure". We recommend the Council considers the need to include specific green infrastructure improvements within Table 6 to ensure that the needs referred to elsewhere within the plan are followed through in practice.

Table 7: Spatial Principles and Core Policies: Indicators and Targets

We note the only biodiversity/geology indicator under Policy CP12 is *"Change in priority habitats and species and areas designated for their environment value or geology"*. We would appreciate further explanation as to precisely what will be measured and whether the aim is to correlate any change observed with the effects of the plan?

Habitats Regulations Assessment

The Habitats Regulations Assessment (June 20120) did identify the potential for significant effects in respect of a number of policies (e.g. recreational pressure on the North Pennine Moors SAC and SPA) but these were subsequently ruled out - partly as a result of the provisions of paragraph 4.12.13 requiring development with the potential to adversely affect the integrity of international sites (alone or in combination) to demonstrate that the legislative provisions to protect such sites can be fully met.

We encourage the Council to keep the various types of impacts identified under review in future - where necessary in partnership with neighbouring Councils. It is important that the effects are well understood and monitored so that any more detailed mitigations that may be required at project level (to comply with paragraph 4.12.13) or at plan level, in future, can be put into effect.

Thank you for your consideration. For any queries relating to this consultation you are welcome to contact me directly - telephone: 0300 060 2010 or email: david.westbrook@naturalengland.org.uk. For all other consultations and correspondence, please contact the above address.

Yours sincerely

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