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BY EMAIL ONLY

Dear Selby Policy and Strategy Team

Planning consultation: PLAN Selby Sites and Policies Local Plan Initial Consultation

Thank you for your consultation on the above dated 24 November 2014.

Q1 Sustainability Appraisal Report

1. Natural England welcome the early engagement with the Sustainability Appraisal (SA) process and broadly welcome the SA Framework and methodology set out in the report. We welcome sub objective 13.1 but recommend that the protection and enhancement of internationally, nationally and locally designated sites and protected species are also considered, in addition to priority habitats and species. Furthermore we recommend that the framework considers the impact of the Plan on geological assets, green infrastructure networks, soil and the Best and Most Versatile Agricultural land.
2. We note review of planning policy provided in Appendix A and welcome inclusion of the UK Post 2010 Biodiversity Framework (2012) and Working with the Grain of Nature (2011), however we would like to see consideration of further environmental literature such as:
 - Natural Environment and Rural Communities Act (2006)
 - Wildlife and Countryside Act (1981) (As amended)
 - Countryside and Rights of Way Act (2000)
 - The European Landscape Convention (or "Florence Convention") (2000)
 - The Natural Environment White Paper, The Natural Choice: securing the value of nature (2011)
 - National Character Areas (NCA)
 - National biodiversity climate change vulnerability model
3. Regarding Appendix B Updated Baseline Data we note the reference to 'Natural Areas' and advise that these have been updated in the National Character Areas (NCAs). In clarification we advise that the international designations in the Selby area are as follows:
 - Lower Derwent Valley Special Area of Conservation (SAC);
 - Lower Derwent Valley Protection Area (SPA);
 - Lower Derwent Valley Ramsar;
 - River Derwent SAC; and
 - Skipwith Common SAC
4. Furthermore we advise that the assessment considers any potential impacts on biodiversity, flora and fauna outside of the Plan area as well as within.



Q2 Habitats Regulations Assessment Screening Report

5. As with the Sustainability Appraisal we welcome the early engagement with the Habitats Regulations Assessment (HRA) process. We consider that the process of HRA should run in parallel to the development of the plan (i.e. the three stages of issues & options, preferred options, publication). When the HRA process is initiated from the outset, its findings from earlier stages can be used to inform subsequent stages reducing the likelihood of hold ups in the Plan making process at later stages due to unforeseen impacts on European designated sites.

Q3: Duty to Co-operate

6. Natural England note and welcome the inclusion of the proposed Lower Derwent Plan within the Duty to Co-operate (DtC) Statement. The development of this cross boundary document is still in its infancy however and Natural England is working with LPA and local conservation groups to determine the current environmental issues within the valley (their cause and impact), the policy opportunities to avoid and mitigate them (in addition to existing/emerging policy) and the document's remit.
7. Whilst it is too early to determine the existence of cross boundary environmental issues with regards to allocations (Annex 5), Selby Council should not delay discussions with neighbouring LPAs regarding strategic green infrastructure and ecological networks. As these wider networks will exist and are not restricted to administrative boundaries (e.g. Lower Derwent Valley), Natural England encourages Selby Council to work with neighbouring authorities to identify these wider networks and ensure subsequent allocations and policies conserve, create and enhance them.

T1 Providing Homes

8. Natural England has no specific comments to make on the proposed targets and methodology employed however we consider that there needs to be sufficient flexibility in the targets at this early stage. This is in order that, going forward, environmental constraints and the outcome of assessment and consultation can be properly taken into account and the most sustainable options can be taken forward.
9. We consider that criteria for determining housing targets and allocations should take into account the following:

Landscape

Avoiding harm to the character of locally valued landscapes.

10. Impacts of new housing upon landscape may be positive or negative, direct or indirect, short or long term and reversible or irreversible. Cumulative impacts may also occur as a result of the combined effects of more than one housing development.
11. The assessment of potential housing sites should be informed by the landscape character approach. The National Character Area (NCA) profiles will provide useful information. These update the national framework of Joint Character Areas and Countryside Character Areas that are used to inform LCAs. Further information is available at NCAs. NCAs covering Selby District includes:
 - 38 The Humberhead Levels
 - 28 The Vale of York
 - 30 Southern Magnesian Limestone
12. Landscape Character Assessments (LCAs) identify the different landscape elements which give a place its unique character and can help inform the location and design of new development. Further information on LCAs is at Landscape Character Assessment.

13. More detailed study (e.g. Landscape and Visual Impact Assessment) of the sensitivity of the landscape and capacity to accommodate change may be necessary to determine the suitability of potential housing sites, particularly those within or near protected landscapes.

Biodiversity

Avoiding harm to the international, national and locally designated sites of importance for biodiversity.

14. International sites include: Special Protection Areas (SPAs); Special Areas of Conservation (SACs) and Ramsar sites¹. National sites include biological Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs) Local sites are Local Wildlife Sites (a variety of other terms are also in use).
15. The potential impacts of new housing upon such sites may be positive or negative, direct or indirect and short or long term. Cumulative impacts may also occur as a result of the combined effects of more than one housing development.
16. Indirect impacts may be experienced several kilometres distant from new housing e.g. water pollution. The key to assessing these is to understand the potential impact pathways that may exist between the development and sensitive sites.
17. The [MAGIC](#) website is a useful source of information on the location and qualifying features of the international and national designations. Local Environmental Records Centres should also be of assistance and often hold information on Local Wildlife Sites.

Avoiding harm to priority habitats, ecological networks and priority and/or legally protected species populations

18. Priority habitats and species are those listed under Section 41 of the Natural Environment and Rural Communities Act, 2006 and UK Biodiversity Action Plan (UK BAP). Further information is available here [UK BAP priority species and habitats](#).
19. Protected species are those species protected under domestic or European law. Further information can be found here [Standing advice for protected species](#). Sites containing watercourses, old buildings, significant hedgerows and substantial trees are possible habitats for protected species.
20. Ecological networks are coherent systems of natural habitats organised across whole landscapes so as to maintain ecological functions. A key principle is to maintain connectivity - to enable free movement and dispersal of wildlife e.g. badger routes, river corridors for the migration of fish and staging posts for migratory birds.
21. Priority habitats can be found on the MAGIC website referred to above. Natural England does not hold records of priority or legally protected species but Local Records Centres may be able provide these.
22. It may also be necessary to undertake a basic ecological survey in order to appraise the biodiversity value of any potential development site. A Phase 1 Habitat Survey is the commonly used standard for habitat audit and provides a starting point for determining the likely presence of important species. More information is available here [Phase 1 Habitat Survey](#).

¹ The following wildlife sites should also be given the same protection as European sites: potential SPAs, possible SACs, listed or proposed Ramsar sites and sites identified, or required, as compensatory measures for adverse effects on European sites

Seeking opportunities to contribute to the restoration and re-creation of habitats , the recovery of priority species populations and biodiversity enhancement

23. Local Biodiversity Action Plans (LBAPs) identify the local action needed to deliver UK targets for habitats and species. They also identify targets for other habitats and species of local importance and can provide a useful blueprint for biodiversity enhancement in any particular area. Further information through the UK BAP link above.

Seeking opportunities to enhance and create Green Infrastructure

24. Green infrastructure is a term used to refer to the living network of green spaces, water and other environmental features in both urban and rural areas. It is often used in an urban context to provide multiple benefits including space for recreation, access to nature, flood storage and urban cooling to support climate change mitigation, food production, wildlife habitats and health & well-being improvements provided by trees, rights of way, parks, gardens, road verges, allotments, cemeteries, woodlands, rivers and wetlands.
25. Green infrastructure is also relevant in a rural context, where it might additionally refer to the use of farmland, woodland, wetlands or other natural features to provide services such as flood protection, carbon storage or water purification. Green infrastructure maintains critical ecological links between town and country.
26. The SHLAA should consider the availability of GI and opportunities to enhance GI networks when considering sites for development.

Geological conservation

Avoid harm to nationally and locally designated sites of importance for geological conservation - geological SSSIs and Local Geological Sites (also known as RIGS - Regionally Important Geological Sites).

27. The MAGIC website referred to above is a useful source of information on the location and qualifying features of geological SSSIs. Local Environmental Records Centres should also be of assistance and often hold information on Local Geological Sites.
28. Housing development may present opportunities for the enhancement of geological sites e.g. exposure sites in road cuttings. Further information on geological conservation is available on the Natural England website.

Seeking opportunities to contribute to landscape restoration and enhancement.

29. The NCAs profiles identify potential opportunities for positive environmental change. LCAs also identify opportunities for landscape restoration and enhancement. These can help identify potential opportunities for housing developments to contribute to landscape enhancement in an area.

Best and Most Versatile Agricultural Land

Avoiding Best and Most Versatile Agricultural Land

30. Land quality varies from place to place. Information on Best and Most Versatile Agricultural land (grades 1,2 and 3 a) is available from the Agricultural Land Classification (ALC) .ALC maps are available on the [MAGIC](#) website. Not all land has been surveyed in detail and more detailed field survey may be required to inform decisions about specific sites. Further information is available here [ALC](#).

Public rights of way and access

Seeking opportunities to enhance public rights of way and accessible natural green space.

31. Housing allocations should avoid adverse impacts on National Trails and networks of public rights of way and opportunities should be considered to maintain and enhance networks and to add links to existing rights of way networks including National Trails.
32. Accessible natural greenspace should be provided as an integral part of development. Further information is set out in . Our Accessible Natural Greenspace Standard (ANGSt) which describes the amount, quality and level of visitor services we recommend for all areas.

Q10 Relative importance/weight attached to site selection criteria

33. Natural England consider that great weight should be given to internationally designated sites and species protected under the Conservation of Habitats and Species Regulations 2010 (as amended) ('The Habitats Regulations') where development where adverse effects have been identified can only go ahead where no alternative solutions can be found and there is an imperative reason of overriding public interest (IROPI).
34. Furthermore we advise that paragraph 118 of the NPPF states that proposed development on land within or outside a SSSI likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSI.

Q11 Contingency Sites in Tadcaster

35. Natural England advise that care should be taken allocating sites south of Tadcaster around the village of Sutton where there are a number of locally designated woodland sites as well as the nationally designated Sutton Ings SSSI which is notified for its wetland fen meadow and swamp habitats. We also advise that Tadcaster Mere SSSI, which is designated for its geological features, lies to the east of Tadcaster close to Tadcaster Sewage Treatment Works and that development very close to or on this site should avoid damaging the interest features of the site.

Q13 and 14 Gypsy and Traveller Sites

36. As with other allocations, Natural England consider that the impact on environmental assets including internationally, nationally and locally designated wildlife sites, priority habitats and species, locally valued landscapes, green infrastructure and conservation of soils and geology should also be taken into account when allocating and making decisions on Gypsy and Traveller sites.

T2 Promoting Prosperity

37. Unlike the housing section, the consultation document does not identify the selection criteria for employment allocations. NE assumes the criteria is identical and complies with the National Planning Policy Framework (NPPF) and Core Strategy policies SP2, SP13 and SP15. As such we expect the least environmentally sensitive employment allocations to be selected (a core NPPF principle).
38. Where adverse effects upon a nature conservation interest² is proven to be unavoidable, deliverable mitigation measures, or, as a last resort, compensation should be identified in the plan.

² These include priority habitats/species, local wildlife sites or site of special scientific interest. Developments that affect internationally designated nature conservation sites are subject to the European Habitats Directives and Habitats Regulations.

39. In accordance with paragraph 118 of the NPPF, allocations which harm the interest features of a Site of Special Scientific Interest (SSSI) should not normally be progressed in the local plan as they are unlikely to gain planning permission. Employment allocations in locations where mitigation is unlikely to prevent harm to the SSSI should only be progressed where the benefits of development in that location outweigh the harm to the SSSI.
40. As required by the SEA Directive and national regulations, Natural England expects the Sustainability Appraisal to assess the environmental effects of all the selected allocations and reasonable alternatives. This should ensure that harm is avoided where possible.

T4 Infrastructure Needs

41. Natural England welcomes the identification of green infrastructure within the Infrastructure Delivery Plan and note the £4.8 million funding gap. Given the absence of any other sources of funding, this should be priority for moneys collected through the Community Infrastructure Levy (CIL).

T5 Climate Change and Renewable Energy

42. Should areas suitable for wind turbines be identified we consider that the potential impact on local landscape character, bats and birds should be properly considered. In particular we advise that the impact on birds for which the Lower Derwent Valley Special Protection Area (SPA) and Humber Estuary SPA are designated must be addressed under the Habitats Regulations should areas be identified that affect internationally designated sites.
43. Regarding renewable energy solutions involving combustion we advise that impacts on habitats and species sensitive to air pollution should be considered should areas be identified for such schemes. Natural England's SSSI Impact Risk Zones (IRZs) set out where we consider that there is a risk to SSSIs from combustion and wish to be consulted on proposals involving combustion based on proximity to SSSIs. The SSSI IRZs can be found on the [MAGIC](#) website under Designations > Land-based Designations > Statutory or downloaded from our website via the links through from MAGIC. The SSSI IRZs also address other impacts on SSSIs including wind and solar schemes.
44. For additional information relating to Solar Parks please refer to the Technical Information Note at the link below, which provides a summary of advice about their siting, their potential impacts and mitigation requirements for the safeguarding of the natural environment. [Solar parks: maximising environmental benefits \(TIN101\)](#)
45. Natural England would welcome criteria based development management policies which specifically address the impact of renewable energy schemes on nature conservation sites, protected species, protected species and landscapes. With regards to the cumulative impacts of renewable energy schemes we advise that it is more appropriate to consider this at a strategic level in the Plan rather than at the project stage and would encourage policy solutions should the need be identified through assessment.
46. Regarding addressing climate change and renewable energy issues on individual site allocations we consider that, where appropriate, opportunities for incorporating multifunctional green infrastructure addressing impacts such as flood risk, protected species adaptation and carbon offsetting. Natural England suggest that you adopt a strategic approach to green infrastructure and climate change adaptation and that you consider the [National Biodiversity Climate Change Vulnerability Model \(NBCCVM\)](#).
47. The NBCCVM aims to provide a spatially explicit assessment of the relative vulnerability of priority habitats based on established climate change adaptation principles; suite of map-based-GIS outputs at a variety of scales which can be used (in conjunction with other relevant spatial data) to target action to build biodiversity resilience and a flexible, GIS

based, decision support tool that allows the user to incorporate locally specific datasets and select how adaptation principles are combined to reflect local circumstances and priorities.

T6 Protecting and Enhancing the Natural Environment

48. Natural England broadly welcome the list of environmental assets and issues set out in Table 8, however, in addition, we suggest you include protected species, Local and UK Biodiversity Action Plan (BAP) habitats and species and soils and agricultural land.
49. Protected species are those species protected under domestic or European law. Further information can be found here [Standing advice for protected species](#).
50. Priority habitats and species are those listed under Section 41 of the Natural Environment and Rural Communities Act, 2006 and UK Biodiversity Action Plan (UK BAP). Further information is available here [UK BAP priority species and habitats](#).
51. The NPPF makes it clear that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing soils (NPPF paragraph 109).
52. In addition to Public Rights of Way and cycle/bridleways generally we would welcome consideration of long distance trails including the Trans-Pennine Trail.
53. We consider that, while the Core Strategy offers an overarching strategy for the protection of environmental assets, the Site and Policies Local Plan should provide more detail on how these assets will be protected and enhanced through the development management process. We advise that paragraph 113 of the NPPF states that Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged.

Development Management Policies

Q30: Development Management Policies

54. Further development management policies that address the protection and enhancement of the natural environment are not proposed in the consultation document. Therefore decisions regarding the environment will be based primarily on Core Strategy policy SP18 (Protecting and Enhancing the Natural Environment). This overarching policy covers a considerable number of issues, including:
 - landscape character,
 - designated nature conservation sites,
 - features of biodiversity and geodiversity interests,
 - net-gains in biodiversity,
 - priority habitats,
 - GI,
 - tranquillity,
 - rights of way,
 - open space,
 - soil, water and air quality,
 - use of natural resources, and
 - avoidance of areas of environmental and agricultural quality

55. Whilst the Local Plan should not contain overly detailed planning policies, Natural England encourages your authority to consider specific development management policies on landscape, designated and non-designated sites, priority habitats/species, GI/Ecological networks, rights of way, and pollution.

Landscape development management policy

56. A specific criteria based landscape policy could refer to the Landscape Character Assessment (LCA) and recommendation that Landscape and Visual Impact Assessment (LVIA) should accompany proposals likely to significantly harm local landscapes. Whilst Selby does not contain any designed landscapes, a criteria policy based on the LCA and objectives of the revised National Character Areas would also provide proactive management of developments that may affect local landscapes.

Nature conservation sites and protected species development management policy

57. Paragraph 113 of the NPPF states that:

“Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites”

58. Core Strategy policy SP18 does not differentiate between developments that affect the interest features of internationally, nationally, and locally designated sites, priority habitats or irreplaceable habitats, including ancient woodland. Consequently there is no distinction between the protections which are afforded these nature conservation designations. A criteria based policy (reflecting paragraph 118 of the NPPF and Circular 06/2005) which distinguishes them would provide clearer guidance to applicants regarding the legal and ecological requirements that may be placed upon them.

59. Natural England would welcome further discussions regarding an additional development management policy which address nature conservation sites and protected species.

60. In order to improve the evidence base of local wildlife sites (LWS) and the protection they are afforded, Natural England encourage your authority to review their designation. Many have not been surveyed since 1998.

Green infrastructure (including rights of way), ecological networks and net-gains in biodiversity

61. Paragraph 114 of the NPPF states that:

“Local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.”

62. According to paragraph 117 they should also:

“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”

63. Whilst the adopted core strategy requires a strategic approach is taken to GI, there is limited information regarding the delivery of the connected green spaces, wildlife corridors or stepping stones which are suggested by the NPPF and envisaged in policy SP18. The local plan should identify these GI/ecological networks and include a development management

policy that ensures multifunctional GI delivers net-gains in biodiversity and enhances the wider ecological network of international, national and local sites. This should also be reflected in the design policy.

64. Paragraph 77 of the NPPF states that:

“Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”

65. The Selby plan should identify opportunities within allocations to enhance the rights of way network (in accordance with relevant GI strategies) and include requirements within a development management GI policy to consider rights of way.

Soil, water, air quality and tranquillity (pollution policy)

66. Your authority should consider whether the local plan should include a pollution policy which addresses soils, water, air, noise and light pollution (the latter two being threats to tranquillity). This policy could also address loss of best and most versatile agricultural land.

Design (Q33)

67. The addition of development management policies which encourage GI and net-gains in biodiversity should be complemented by explicit requirements in a development management design policy that ensure priority habitats and the requirements of priority species (e.g. low level lighting to encourage bats) are considered within all developments and delivered where appropriate.

68. This complies with paragraph 118 which encourages LPAs to take opportunities to incorporate biodiversity in and around developments.

Review of remaining SDLP policies

69. Please see advice regarding development management policies.

70. Natural England considers the objectives of SDLP policies ENV9, 11, 12 should be delivered within a broader nature conservation sites development management policy that protects international, national, and locally designed sites as well as priority and irreplaceable habitats.

Lower Derwent Valley Area of Restraint

71. This policy restricts recreational developments within the Lower Derwent Valley. These development pressures and others will be addressed through the application of Core Strategy policy SP18, development management policies that address nature conservation and landscape (see NE advice above), and the development of a cross boundary Lower Derwent Valley plan which will support the delivery of each LPA's overarching policies that protect the valley's ecology and landscape (see our advice on the Duty to Co-operate).

Settlements

72. Having reviewed the issues document, Appendix 2 and call for sites map book, Natural England would like the following advice taken into consideration by your authority.

Generally within and around all settlements opportunities to enhance the GI and ecological network should be identified in the local plan and requirements for its delivery included as site specific policy where appropriate

73. More specifically, sites have been identified by landowners at Kellington, Monk Fryston & Hillam, and Riccall which are adjacent to local wildlife sites and priority habitats.

Q39: Sherburne in Elmet

74. Natural England notes the existence of a large area of land west of the A162 which is currently allocated for housing but also designated as a local wildlife site. Prior to re-allocation, your authority should review the ecological status of this area and seek to avoid, mitigate, or, as a last resort compensate any adverse impacts upon any nature conservation interests.

Q54: North Duffield

75. North Duffield is less than 500m from the Lower Derwent Valley Ramsar and Special Protection Area (SPA), and River Derwent Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).
76. Given this close proximity and the possibility that land around North Duffield is regularly used by the interest features (birds) of the Ramsar and SPA (and therefore functionally linked), all allocations should be screened in accordance with the Habitats Regulations to determine whether the direct loss of land or increased disturbance would significantly affect the interest features, either alone or in combination with other allocations or policies in the plan. If likely significant effects cannot be ruled out, a detailed appropriate assessment to determine whether the sites will be adversely affected should be undertaken.
77. In addition to loss of functionally linked land and disturbance the screening of likely significant effects should consider all other possible impact pathways.

Q55 Riccall

78. Riccall lies within 2km of Skipwith Common SAC, SSSI and National Nature Reserve which is designated for a mix of wetland, heathland, grassland and woodland habitats as well as breeding birds and invertebrates. We advise that these designations are taken into account for any allocations, including screening under the Habitats Regulations.

Q51 Hemingbrough

79. Natural England advise that Hemingbrough lies within 1.5km of the River Derwent SAC and SSSI which should be taken into account for any allocations.

For any queries relating to the specific advice in this letter please contact Merlin Ash on 0300 060 4271 or via email at merlin.ash@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

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Natural England