

# **Warwick District Council**

## **Local Plan Examination**

### **Response to Inspector's Matters and Issues**

#### **Matter 13 – Other Policies**

##### **Natural Environment**

Policy NE1 – Green Infrastructure

Policy NE2 – Protecting Designated Biodiversity and Geodiversity  
Areas

Policy NE3 – Biodiversity

Policy NE4 – Landscape

Policy NE5 – Protection of Natural Resources

Policy NE6 – High Speed Rail 2 (HS2)

Policy NE7 – Use of Waterways

##### **Issue**

Whether other policies are justified, effective and consistent with national policy.

**October 2016**

## Natural Environment – Policy NE1 – Green Infrastructure

### 1. What is the basis for the policy? What is it seeking to achieve?

- a) Policy NE1 is one of several policies set out in the Local Plan with the aim of recognising the importance of maintaining and enhancing the District's natural environment for the benefit of current and future generations. This is at the core of the Local Plan strategy to ensure that sustainable levels of growth in the District come forward whilst maintaining and improving the quality of the natural environments, sensitive wildlife habitats and areas of high landscape value.
- b) Policy NE1 Sets out a policy framework for the consideration of green infrastructure and the Council's intent to protect, enhance and restore the District's GI assets through partnership working. This includes a commitment to update necessary technical studies such as the Sub Regional Green Infrastructure Strategy (Doc G03) that will be required to inform this objective going forwards. Importantly, the policy introduces the requirement to consider green infrastructure strategically at a landscape level and at a variety of spatial scales necessary to ensure that the value of green infrastructure is appropriately considered in the planning process.

### 2. How does the policy relate to the evidence base?

- a) In terms of the evidence base the Policy relates directly to the Warwickshire, Coventry and Solihull Sub Regional Green Infrastructure Strategy Doc G03), and the District Council's Green Space Strategy (2012)(Doc I02)as well as the Council's Green Infrastructure Study (Doc G01).
- b) These studies set the context for consideration of the natural environment, identify ecological networks and assets and ensure that opportunities to strengthen them, or address any deficiencies in provision can be assessed.

### 3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?

- a) The policy is clear in that it sets the terms of reference for the consideration of GI assets and identifies key environmental studies and strategies. The policy emphasises the Council's commitment to continue working with relevant partners, and agencies in order to ensure positive outcomes with regard to the identification of green infrastructure strategies that will ultimately inform the consideration of and positive management of these assets through the planning process.
- b) In the development of the policy a representation requested the acknowledgement of the contribution made to the management of the natural environment by the farming industry. This was added to the explanation of the policy in paragraph 5.195.

### 4. How will the policy be implemented? Is this clear?

- a) The policy sets the context for decision making in relation to Green Infrastructure in that the Sub Regional Green Infrastructure Strategy will be used as the basis to inform the provision

of and maintenance and management of green infrastructure. The explanatory text also refers to the Council's Green Infrastructure Study and Green Space Strategy that are also important evidence/ central points of reference.

- b) The evidence provided from the strategy documents itemised in the policy has already been utilised to identify and inform development proposals. An example of this has been the requirement to address deficiencies in natural green space. This has identified the need and provided the justification to deliver a new country park in conjunction with the residential development sites south of Warwick and Leamington Spa. The identification and assembly of the land and finance for this country park is currently progressing.

**5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?**

- a) The Policy relates to the requirement prescribed in national policy for the planning system to 'set out a strategic approach in their Local Plans and to plan positively for the creation and management of networks of biodiversity and green infrastructure'.
- b) Policy NE1 and the way it sets out the requirement for a strategic consideration of Green Infrastructure at a range of spatial scales, is considered to be consistent with this approach.

**6. In overall terms is the policy justified, effective and consistent with national policy?**

- a) The policy is justified as it is a requirement of the NPPF. It is considered that it will be effective in providing the basis for consideration of the future maintenance, management and delivery of GI assets.
- b) The policy NE1 is considered to be consistent with NPPF (Conserving and enhancing the natural environment).

**Natural Environment – Policy NE2 – Protecting Designated Biodiversity and Geodiversity Areas**

**1. What is the basis for the policy? What is it seeking to achieve?**

- a) Policy NE2 is required to set out the appropriate level of protection to be afforded to designated statutory and non-statutory biodiversity and geodiversity features in Warwick District. The policy stipulates the level of protection specific to particular assets with regard to their relative importance to the natural environment.
- b) In doing so it will identify and protect the most valuable features that contribute to geodiversity and the diversity of wildlife and its habitats. The policy will also seek to minimise the adverse effects on these assets where conflicts are unavoidable.

**2. How does the policy relate to the evidence base?**

- a) The evidence base for the policy is the information supplied to the Council through its ongoing involvement as a partner in the Warwickshire Coventry and Solihull Sub Regional Habitat Biodiversity Audit and Wildlife Sites Project as well as specific ecological assessments that were undertaken to support the consideration of allocations throughout the Local Plan making process (Doc B03).

**3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?**

- a) The policy is considered to be sufficiently clear as it sets out important biodiversity and geodiversity assets and species of national and local importance in a hierarchy and in turn sets out the level of protection that should be afforded to each relative to its particular status.
- b) It is considered that the policy and explanation will give sufficient guidance for decision making in the development management process.

**4. How will the policy be implemented? Is this clear?**

- a) The policy will be implemented by the stipulation of a requirement for the submission of an ecological assessment with any planning application likely to affect any of the assets prescribed within the policy.
- b) Where relevant, ecological assessments will be required in support of development proposals to include evidence of the due consideration of the importance of the asset that it will affect and the details of the mitigation strategy proposed.

**5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?**

- a) This policy relates to paragraph 113 of the NPPF, and is entirely consistent with it.

**6. In overall terms is the policy justified, effective and consistent with national policy?**

- a) The policy is justified as it sets the appropriate framework against which proposals for any development on or affecting protected wildlife or geodiversity sites will be determined. It will ensure that protection is commensurate with their status and gives appropriate weight to their importance and the contribution they make to wider ecological networks.
- b) The above approach is considered consistent with national policy (see Q5 above)
- c) Note: two matters raised in objections. Further information was added to the explanation to ensure that where development may have an impact on ancient woodland or veteran trees applicants should refer to advice and guidance available from Natural England and the Forestry Commission.
- d) Further detail on the relative importance of potential wildlife sites and the requirement for these to be assessed against the Local Wildlife Sites Criteria Assessment was also added to the explanation of the policy.



**Natural Environment – Policy NE3 –Biodiversity**

**1. What is the basis for the policy? What is it seeking to achieve**

- a) Helping to secure improvements to biodiversity is one of the key roles of sustainable development. Policy NE3 is aimed at halting any net loss of biodiversity (and wherever possible making net gains) in order to achieve sustainable development outcomes.
- b) The policy will ensure that development will only be permitted provided that it protects, enhances and /or restores habitat biodiversity. Where these requirements are not achievable the policy will require proposals to provide appropriate mitigation measures either on-site or off-site through compensatory measures (biodiversity offsetting).

**2. How does the policy relate to the evidence base**

- a) The policy relates to the evidence base through the various specific ecological studies that have been undertaken to inform the plan (Docs B02,B03,B04,B07PM)).
- b) The policy will also be able to refer to information that has been provided to the Council via its longstanding and ongoing partnership arrangement/ involvement with the Warwickshire, Solihull and Coventry Habitat Biodiversity Audit.

**3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?**

- a) The policy is considered to be sufficiently clear and provides an appropriate framework for decision making. This will be done with careful reference to the up to date biodiversity data that the Council has through the HBA study and in conjunction with the County Councils ecology experts.

**4. How will the policy be implemented? Is this clear?**

- a) The policy will be implemented through development management inspecting planning applications to ensure that this policy requirement has been addressed. As necessary development management officers will ensure that an ecological assessment is submitted in support of development proposals.
- b) Where appropriate, financial contributions will be sought for biodiversity offsetting programmes in conjunction with officers of the Warwickshire Biological Records centre. Where appropriate, these will be agreed through Section 106 agreements.

**5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?**

a) Policy NE3 is compliant with paragraph 118 of the NPPF

**6. In overall terms is the policy justified, effective and consistent with national policy?**

- a) In overall terms the policy is considered justified for its purpose of maintaining and enhancing the District's biodiversity. This approach has been tested and successfully used in negotiations with developers.
- b) The policy was modified to strengthen criterion a) to emphasise the need to aim to achieve a net gain in biodiversity where this is possible.

**Natural Environment – Policy NE4 – Landscape**

**1. What is the basis for the policy? What is it seeking to achieve?**

- a) The basis for the policy is to ensure that the District's landscape characteristics are protected from harm. There are several studies and strategies that define the particular landscape qualities to be found across Warwick District. The Council has also undertaken specific local landscape studies with regard to its development strategy options.
- b) Policy NE4 seeks to ensure that significant landscape features are protected from harm and that landscape design is a key component/ consideration in the design of new development.

**2. How does the policy relate to the evidence base?**

- a) Policy NE4 is supported by a range of evidence including:-
- Warwickshire, Coventry and Solihull Green Sub Regional Infrastructure Study (Doc G03)
  - Warwickshire Historic Landscape Characterisation Study (DocHE01)
  - The Warwick District Local Plan local landscape analysis (LA03)

**3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?**

- a) The policy sets out the criterion necessary to be satisfied in order to ensure that new development positively contributes to landscape character. The Council considers the guidance is clear and will provide a clear basis for decision making

**4. How will the policy be implemented? Is this clear?**

- a) The policy will be implemented by the requirement for new development proposals to be supported by a landscape analysis and management plan. This will be necessary to demonstrate that development proposals give due consideration of and take account of the criterion identified in the policy.

**5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?**

- a) The policy relates to and is consistent with the NPPF paragraph 109 that requires ‘the protection and enhancing of valuable landscapes’.

**6. In overall terms is the policy justified, effective and consistent with national policy?**

- a) In overall terms the policy is justified as the effects of development on landscape and the associated natural environment are an important consideration. It is therefore considered that this policy will be both effective and consistent with national policy.
- b) A modification is proposed to the publication draft Local Plan regarding policy NE4 (See appendix 1 of WDC Matter 12 Statement). This was approved by the Council in January 2016, but has not been subject to consultation. The modification proposes an additional clause to the Policy to address the increasing pressures on the best and most versatile agricultural land as a result of increasing development allocations:

*(j) ‘minimise the loss of the best and most versatile agricultural land’*

**Natural Environment – Policy NE5 – Protection of Natural Resources**

**1. What is the basis for the policy? What is it seeking to achieve?**

- a) In line with Government policy and sustainable planning objectives, Local Plan policy NE5 ensures that the protection of the District’s natural resources is given consideration in the development process.
- b) This policy is required to prevent the contamination or sterilisation of resources by development and to ensure that wherever possible resources are used prudently.

**2. How does the policy relate to the evidence base?**

- a) The policy relates to the evidence base by reference to:-
- i. The River Basin Management Plan for The River Severn Basin District (FW03)
  - ii. Air Quality Assessment: Development associated with Local Plan (A01)
  - iii. Air Quality Assessment: Development Associated with the Local Plan, Update A004PM

**3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?**

- a) The policy is considered to be sufficiently clear in that it sets out the appropriate range of matters that development proposals should address to ensure that the protection of natural resources is taken into account.

**4. How will the policy be implemented? Is this clear?**

- a) The policy will be implemented through the assessment of proposals against the criteria set out as part of the development management process. Where necessary the Council will liaise with the relevant statutory bodies to ensure conformity with the policy.

**5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?**

- a) Policy NE5 is in accordance with the NPPF paragraph 109. This states that the planning system should contribute to and enhances the natural and local environment by protecting soil quality, and preventing new and existing development from contributing to or putting unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.
- b) The NPPF also requires planning to remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land.

**6. In overall terms is the policy justified, effective and consistent with national policy?**

- a) The policy is considered to be justified and in line with national policy. It will be an appropriate measure to ensure that natural resources are a consideration in the planning process.
- b) However, a modification to the publication draft of policy NE5 clause (d) is proposed (see appendix 1 of WDC Matter 12 Statement). This has been approved by the Council but has not yet been the subject of consultation. The modification seeks to address increasing pressures on the best and most versatile agricultural land as a result of increasing development allocations as follows:-

*d) ~~avoid or minimise loss of the best and most versatile agricultural land unless the benefits of the proposal outweigh the need to protect the land for agricultural purposes.~~*

- c) Amendment to the explanation is also proposed as follows (para 5.198):

*'This need is increasing due to the anticipated reduction in the ability of countries continuing to export food to the UK due to increased flooding, erosion or drought. A number of housing allocations have been identified on agricultural land, with the result that the remaining resource is considered to be of increasing importance or vulnerability. Development affecting the best and most versatile agricultural land will not be permitted unless ~~there is an overriding demonstrable need for the development~~ and it can be shown that development of lower grade land would have overriding adverse sustainability impacts, such as on biodiversity, natural resources, landscape character or conservation of heritage assets ~~in an unsuitable location.~~*



## Natural Environment – Policy NE6 – High Speed Rail 2 (HS2)

### 1. What is the basis for the policy? What is it seeking to achieve?

- a) The HS2 rail project will traverse a considerable area of Warwick District's and have impacts on the District's natural environment. As a Qualifying Authority, Policy NE6 will help the Council influence HS2 development through the determination of the approvals required within the established special planning regime the Council will seek the appropriate mitigation of effects on the natural environment, businesses and residents of the District.
- b) The Council is required to ensure that the safeguarding of the route is denoted on the Local Plan Policies Map.
- c) It will be important that within the provisions of the HS2 Act that Warwick District Council seeks appropriate mitigation to minimise the impact of HS2 and maintain the high quality of the District's natural environment.

### 2. How does the policy relate to the evidence base?

- a) The Policy relates to the evidence by reference to:-
  - i. The Green Infrastructure Study(G01)
  - ii. The Warwickshire , Coventry and Solihull Sub Regional Green Infrastructure Study (G03)

### 3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?

- a) The policy is considered sufficiently clear as it will provide a framework for the consideration of the impacts of works associated with HS2.

### 4. How will the policy be implemented? Is this clear?

- a) The policy will be implemented by the consideration planning applications for works associated with HS2 in the development management process.

### 5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?

- a) The NPPF does not contain specific policies for nationally significant infrastructure projects for which particular considerations apply
- b) The Policy seeks to support the delivery of HS2 in line with the National Infrastructure Plan 2016 to 2021, at the same time as seeking to minimise its impact on the District, particularly in relation to the environment, businesses and residents.
- c) As a "Qualifying Authority", Warwick District Council will seek to influence HS2 development to take full account of the NPPF policies relating to "prosperous rural economy"; and "conserving and enhancing the natural environment"

**6. In overall terms is the policy justified, effective and consistent with national policy?**

- a) The policy is considered to be justified and will be effective in enabling the consideration of required mitigation proposals relating to works undertaken in conjunction with HS2.

**Natural Environment – Policy NE7 – Use of Waterways**

**1. What is the basis for the policy? What is it seeking to achieve?**

- a) The waterways in Warwick District contribute to the identity and quality of both the built and natural environment. They are not only a recreational resource but are important corridors for wildlife and biodiversity.
- b) Policy NE7 seeks to ensure that any development proposals do not prejudice the benefits that the characteristics of the waterways add to both the historic and natural environment throughout the District.

**2. How does the policy relate to the evidence base?**

- a) The policy relates to the evidence base by reference to the following studies:-
- i. The Warwickshire, Coventry and Solihull Sub Regional Green Infrastructure Strategy (G03)
  - ii. Warwick District Green Infrastructure Study (G01)
  - iii. Warwickshire Historic Landscape Characterisation (HE01)

**3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?**

- a) The policy clearly defines a series of relevant requirements that should be considered to ensure that development does not prejudice the physical and environmental qualities of the waterways that are of value to the District.

**4. How will the policy be implemented? Is this clear?**

- a) The policy will help shape development and will assist development management in the consideration and determination of development proposals. This will ensure that proposals do not have a detrimental effect on the waterway network.

**5. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?**

- a) The waterways are an important heritage and natural environment/ biodiversity asset and as such should be protected from any detrimental impacts that may occur as a consequence of development proposals. This is consistent with the NPPF – conserving and enhancing the historic environment para126 and conserving and enhancing the natural environment para

110.

**6. In overall terms is the policy justified, effective and consistent with national policy?**

- a) The waterways are considered an important part of the make-up of the District. It is therefore considered necessary to have specific policy to protect their integrity and particular characteristics. The NPPF requires Local Planning Authorities to set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay, or other threats. Clearly this has major relevance to waterway-related heritage assets.