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Your ref: N/A



Warwick District Council
For attention of Lorna Hale

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BY EMAIL ONLY

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Dear Lorna

Planning consultation: Net Zero Carbon DPD consultation on SA/SEA/HRA scoping and screening

Thank you for your consultation on the above dated 19 May 2021 which was received by Natural England on the same day.

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.

Natural England welcomes the Council's production of this Net Zero Carbon development plan document (DPD).

In terms of SA and SEA our advice is based on a consideration of those issues within our remit i.e. biodiversity including flora, fauna, human health, soil (including waste and contaminated land issues), water (water quality and resources), air, climatic factors (including strategic flood risks), material assets (including geological interests and infrastructure), cultural heritage and Landscape. We are the lead authority for biodiversity and landscape and identified as a source of information for soils, material assets and cultural heritage.

For reference we have included at Annex A the considerations Natural England applies to consultation at the SA/SEA scoping stage for DPDs. However given that the DPD's primary purpose is to implement a set of measures intended to enhance the natural environment our advice below focuses on changes to the environmental 'baseline' since the adoption of the local plan and whether any 'unintended consequences' (cumulative and in combination effects) may arise from the 'Net Zero Carbon' approach that have not been included in the report. For reference, we attach separately a copy of our advice letter to the Council dated 22.1.21 on 'Strategic / cross-boundary issues relevant to the preparation of the South Warwickshire Plan'.

SEA/HRA Screening assessments (Section4)

European sites

We welcome the report's reference to recent case law¹ affecting the treatment of mitigation during the HRA of local plans and the proposal to review relevant aspects of the adopted local plan's HRA accordingly.

¹ Case C323-17 People over Wind & Sweetman

Similarly we draw your attention to the 'Holohan judgement' (CJEU reference C461-17 – Holohan & others -v- An Bord Pleanala). This is relevant to the DPD's SA/SEA/HRA consideration of migratory fish species designated as part of Severn Estuary Special Area of Conservation (SAC)/Ramsar Site. Further contextual information regarding these migratory fish species is included in our advice letter of 22.1.21.

In view of the Net Zero Carbon DPD's purpose the scope for adverse impacts on watercourses and freshwater habitats supporting these migratory species may be expected to be minimal. However on a precautionary basis, consideration may need to be given to e.g. 'micro hydro' energy projects², so that these are designed, constructed and operated taking into consideration the wider context for migratory fish described above.

In terms of the existing policy framework adopted policies NE2 and NE3 provide protection for designated sites and priority species respectively (aside from their SAC/Ramsar Site status these fish species are afforded 'priority species' status). A key challenge remains to raise awareness of 'functional linkages' such as the Warwickshire Avon's role in maintaining and restoring populations of these mobile species. The 'Eel Handbook' (Environment Agency - EA) provides detailed information on relevant development management considerations, while a review of ancillary guidance documents is under discussion with the EA at the time of writing.

In terms of the criteria set out in annex A this theme is relevant to the following criteria:

- 1 - NB cross border nature of this functional linkage.
- 2 - the need to ensure the Severn Estuary's European designations' conservation objectives to maintain and restore designated populations.
- 3 - the scope for the Warwickshire Avon to play its part in restoring populations of these species.
- 4 – awareness of current blockages to migratory fish passage (normally man made structures such as weirs).
- 5 – Policies NE2 and NE3.
- 6 – The theoretical scope, in the absence of mitigation, for impacts from renewables such as micro-hydro.
- 7 – In order to deliver the policy protections laid out in policies NE2 and NE3 the corresponding need to educate/raise awareness of the migratory fish theme.

SEA/HRA Scoping (Section 5)

Natural England agrees with the described approach, SA Framework questions, significance key and SA report contents.

Update on emerging evidence referenced in advice letter 22.1.21

With regard to the report on "Identification of land with actual or possible functional linkages with the Severn Estuary SSSI/ SPA Phase 5 (Gloucestershire and Worcestershire)" this report is soon to be published. For the avoidance of doubt no sites with proven or possible linkages for the SPA's wild birds were identified within Warwickshire as part of this research.

If you have any queries relating to the advice in this letter or our advice letter of 22.1.21 regarding the wider South Warwickshire area please contact me on 07554 459452.

Yours sincerely

Antony Muller
Lead Adviser – West Midlands Planning for a Better Environment Team

² Adopted plan policy 'CC2 Planning for renewable energy and low carbon generation'

Annex A – SA & SEA Scoping considerations for Natural England

1. Relationship (if any) with other relevant plans and programmes
2. The relevant aspects of the current state of the environment and their likely evolution without implementation of the plan or programme
3. The environmental characteristics of areas likely to be significantly affected.
4. Any existing environmental problems which are relevant to the plan or programme including in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to the Birds or Habitats Directives
5. The environmental protection objectives relevant to the plan or programme and the way those objectives and environmental considerations have been taken into account during its preparation.
6. The likely significant effects on the environment:
 - a. Biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage (including architectural and archaeological heritage), and landscape.
 - and
 - b. Short, medium and long-term effects; permanent and temporary effects; positive and negative effects; and secondary, cumulative and synergistic effects.
7. The measures envisaged to prevent, reduce and offset any significant adverse effects on the environment of implementing the plan or programme.
8. The reasons for selecting the alternatives dealt with and how the assessment was undertaken.
9. The measures envisaged concerning monitoring in accordance with Article 10 of the Directive