

Date: 22 May 2019
Our ref: 279592



The Policy Team
The North York Moors National Park Authority
The Old Vicarage, Bondgate
Helmsley
North Yorkshire
YO62 5BP
policy@northyorkmoors.org.uk

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear The Policy Team

Planning consultation: The North York Moors National Park Authority Pre-Submission Draft Local Plan – April 2019

Thank you for your consultation on the above dated 09 April 2019.

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.

1. Natural England is satisfied that the North York Moors National Park Authority Pre-Submission Draft Local Plan is sound and legally compliant as regards our strategic environmental interests. However we have the following comments to make.

2. North York Moors National Park Local Plan Pre-Submission Draft April 2019

2.1 Natural England welcomes the additional protection given to local seascapes and the setting of the Howardian Hills AONB in Strategic Policy G.

2.2 We welcome the references to the potential for the loss of functionally linked land for SPA and SSSI birds and the vulnerability of designated sites to recreational disturbance in para 4.27. We also welcome the inclusion of para 4.51 which highlights the vulnerability of designated sites to air and water pollution and hydrological change. These changes help to satisfy the concerns we previously raised regarding the Habitats Regulations Assessment.

2.3 Natural England welcomes policy BL6 which sets out rigorous criteria for the assessment of track proposals in the plan area. Upland tracks have the potential to result in biodiversity and landscape impacts and we consider that this policy, along with your authority's Planning Advice Note 6, will help to avoid this.

2.4 The revised National Planning Policy Framework (NPPF) has significantly strengthened policy in relation to biodiversity net gain with planning policies and decisions to "provide net gains for biodiversity". In accordance with the Environment White Paper the Natural Choice – making space for nature, the Biodiversity 2020 strategy and the NPPF, objectives should go beyond safeguarding biodiversity. Development plans need to apply this policy to local circumstances and develop their approach to net gain as new spatial development strategies are set and local plans are prepared or reviewed to comply with the revised NPPF. Securing biodiversity net gain from development is usually dependent on having biodiversity net gain embedded in

statutory plans. Local planning authorities can require developers to provide biodiversity net gain where there is an appropriate policy in the development plan to support decision making and many developers will only commit to achieving biodiversity net gain where they are required to do so.

2.5 Natural England welcomes the high level ambitions regarding net gain set out in Strategic Policy H and supporting para 4.23 but recommends that further details regarding how net gains will be achieved should be put forward in the plan or supporting documents. LPAs should set out a clear criteria based policy to achieve a measurable biodiversity net gain from new development that contributes towards local biodiversity priorities. This should:

- Use an evidence based metric when calculating biodiversity impact – encourage use of Defra metric (some local authorities specify its use) or variants based on this. If a local planning authority is suggesting an adaptation to the [Defra metric](#), check that any adaptation is justified and in the interest of maximising local biodiversity gains.
- Set out how developers will be expected to demonstrate delivery of biodiversity net gain (including use of an evidence based metric to calculate biodiversity impact and whether net gain should be provided on or offsite)
- Set out site-specific biodiversity net gain aspirations for all site allocations.
- Be clear if biodiversity net gain is applying to all developments or just to large developments (smaller developers may need a more streamlined/simple approach). If only for large developments it should be clear about what your criteria for a 'large development' is and apply that criteria consistently.
- If the biodiversity net gain policy extends to smaller developments be clear on the definition of smaller developments and consider 'biodiversity/habitat banking' as a way of streamlining biodiversity net gain.
- A local planning authority, or other nature conservation partners, may be able to facilitate a larger biodiversity project that can benefit from small scale development contributions, by creating a habitat/biodiversity bank.

2.6 For good practice examples we advise that you consider the approaches taken by [Warwickshire County Council](#), [Litchfield District Council](#) and the [good practice principles set out by CIEEM](#).

3. Draft Habitats Regulations Assessment of the North York Moors National Park Local Plan 27 March 2019

3.1 Natural England was consulted on an updated draft of the Draft Habitats Regulations Assessment of the North York Moors National Park Local Plan in November 2019. The version provided in support of the Pre-Submission Draft of the Local Plan dated March 2019 appears to have reverted to the July 2018 version of the assessment without the updates made in the November 2018 version.

3.2 Natural England had a number of concerns with the July 2018 draft of the Habitats Regulations Assessment, as set out in our letter dated 12 October 2018 (our ref 253868) which were satisfied in the updated version dated November 2018 (see our email dated 29 January 2019). We recommend that the November 2018 draft of the Habitats Regulations Assessment should assess for any updates to the Plan itself which may have bearing on the assessment, and that version should be submitted with the plan as opposed to the version provided with this consultation dated March 2019. Natural England should be consulted further if there are any significant updates to the assessment.

4. The Sustainability Appraisal Report – Pre-Submission Draft Local Plan

Natural England is broadly satisfied with the Sustainability Appraisal with regards to our statutory remit however we question whether Strategic Policy M Housing should be

assessed as positive against the landscape objective given the uncertainty regarding the location of the proposed housing growth. We recommend that this uncertainty and the mitigation put forward in the plan to combat any threats is taken into account in the assessment.

In addition we would like to see the inclusion of indicators for monitoring biodiversity net gain.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter please contact Merlin Ash at merlin.ash@naturalengland.org.uk or on 02080 266382. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully

Merlin Ash
Yorkshire and Northern Lincolnshire Team
Natural England