

Date: 30 November 2016
Our ref: 199167 North Herts LP Proposed Submission
Your ref:



Strategic Planning and Projects Group, North Hertfordshire District Council, PO
Box 480, M33 0DE

By email only: local.plans@north-herts.gov.uk

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

T 0300 060 3900

Dear Sir/Madam,

North Hertfordshire Local Plan 2011 – 2031: Proposed Submission Local Plan Consultation

Thank you for your consultation on the above dated the 18th October 2016.

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 is broadly supportive of the vision and strategic objectives set out in paragraphs 3.6 and 3.7 respectively. We do, however, have a number of comments to make regarding policies and the allocations and currently consider the plan to be unsound. We are keen to support you in addressing the issues that we have raised but at the moment we do consider it necessary that we participate in the oral examination.

1. Policy SP1: Sustainable development in North Hertfordshire

Natural England Comment

The list of 'key elements of North Hertfordshire's environment' to be protected should include biodiversity to accord with the requirements of paragraph 109 of the National Planning Policy Framework.

Recommended Modification

The words '*Biodiversity*' should be added to the list of ecological features under bullet point 'iv'.

2. Policy SP11: Natural resources and sustainability

Natural England considers this policy to be unsound – not consistent with national policy

The document referenced in paragraph 4.138, '*Rye Meads Water Cycle Strategy (Hyder, 2009); Rye Meads Water Cycle Strategy Review (Stevenage Borough Council, 2015)*,' indicates that scheduled works will create sufficient sewerage capacity for an additional 17,000 houses which should accommodate currently proposed growth through to at least 2026. It does not, however, provide certainty of capacity for the full life of the plan (2011-2031).

This therefore has the potential to impact on the Lee Valley Special Protection Area (SPA). Without a policy commitment to phasing development in line with the capacity of the Sewage Treatment Works at Rye Meads we would not be able to conclude that the plan was compliant with the Habitats Regulations. We advise that this policy should reflect the potential capacity issue with respect to the Rye Meads Sewage Treatment Works post 2026.

'*Royston Sewage Treatment Work Water Cycle Study (NHDC, 2012)*' also indicates some concern

regarding sewerage capacity and admits that ‘the timing element does need to be solved.’

Recommended Modification

We suggest rewording along the lines of ‘Co-operate with other utilities and service providers to ensure that appropriate capacity is available to serve new development; and

Ensure new development does not have an adverse effect on the Lee Valley Special Protection Area. New development post 2026 will only be permitted if the required capacity is available at Rye Meads STW, including any associated sewer connections’.

North Hertfordshire District Council should also seek further assurance from Anglian Water and the Environment Agency that Royston Sewerage Treatment Works will have capacity to accommodate the proposed number of dwellings allocated in the local plan and amend the policy where necessary to reflect timing of development

3. Policy SP12: Green infrastructure, biodiversity and landscape

Natural England comment

As the main strategic policy for the environment, policy SP12 seems rather basic. In our view this policy should provide the strategic framework for the protection and enhancement of environmental features across the plan area. This role is currently covered more comprehensively by the development management policies, particularly NE6 which sets out the hierarchies of protected sites and mitigation. The strategic policy should also include priority habitats, ecological networks and protected species.

We would also expect policy NE 6 to recognise the need to avoid as well as minimise adverse effects on the natural environment. We therefore recommend the following rewording to bullet point b of Policy NE6 ‘*Submit an ecological survey and demonstrate that adverse effects can be **avoided and/or** satisfactorily minimised by following the hierarchy below*”

Since the plan as a whole largely addresses our major concerns we do not raise this as a soundness issue but advise that elements of the natural environment policies, currently outlined in NE6, should be drawn up to the strategic level into policy SP12.

4. Policy SP14: Site BA1 – North of Baldock

Natural England comment

This allocation is unlikely to impact on any designated sites, however we would expect a development of this scale to include well planned networks of green infrastructure and for this to be secured in policy.

5. Policy SP15: Site LG1 – North of Letchworth Garden City

Natural England comment

This allocation is unlikely to impact on any designated sites however we would expect a development of this scale to include well planned networks of green infrastructure and for this to be secured in policy.

Policy SP15 should also include commitments to the protection and enhancement of biodiversity, priority habitats and protected species, similar to those of Policy SP14 subsection ‘j.’

6. Policy SP16: Site NS1 – North of Stevenage

Natural England comment

This allocation is unlikely to impact on any designated sites however we would expect a development of this scale to include well planned networks of green infrastructure and for this to be secured in policy.

Policy SP16 should also include commitments to protection and enhancement of biodiversity, priority habitats and protected species similar to those of Policy SP14 subsection 'j.'

7. Policy SP17: Site HT1 – Highover Farm, Hitchin

Natural England comment

This allocation is unlikely to impact on any designated sites however Policy SP17 should also include commitments to the protection and enhancement of biodiversity, priority habitats and protected species similar to those of Policy SP14 subsection 'j.'

8. Policy SP19: Sites EL1, EL2 & EL3 – East of Luton

Natural England considers this policy to be unsound – not consistent with national policy

Natural England notes the size of these combined sites and their proximity to the Chilterns Area of Outstanding Natural Beauty (AONB). The development would fall within Natural England's 2km Impact Risk Zone and could be considered to be within the setting of the AONB. We do not consider this policy is consistent with paragraph 116 of the NPPF as in our view:

- There hasn't been an adequate assessment of alternatives. The Sustainability Appraisal (SA) should set out the alternative locations/sites considered to meet the housing need elsewhere or alternative ways of meeting the need, as well as the rationale for selecting the allocation site. We note that only 150 homes are required to meet North Hertfordshire's housing requirement with the remaining 1950 homes addressing needs that cannot be physically accommodated within Luton. Thus alternatives for this 1950 should be presented both within Luton and other neighbouring local authorities.
- Adequate mitigation measures have not been presented to demonstrate that any detrimental effects on the AONB can be sufficiently moderated.

We note that the SA describes this area as being '*considered to have generally high landscape quality*' and that an Environmental Sensitivity Study provided states that this area has '*scope for some modest pockets of development but not enough to create a viable and sustainable urban extension in its own right.*'

In our view, clear, detailed landscape assessments should be provided for these allocations and assessment is needed of the potential cumulative effects on the AONB to justify the selection of these sites for housing development. We also advise that you consult the Chilterns Conservation Board and that appropriate weight is given to their submission. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan will be valuable in assessing the appropriateness of this location for this allocation.

Policy SP19 should also include commitments to the protection and enhancement of protected species similar to those of Policy SP14 subsection 'j. iii.'

9. Policy NE10 : Water Framework Directive and wastewater infrastructure

Natural England considers this policy to be unsound – not consistent with national policy

Please see our comments relating to Policy SP11 above. Natural England is not generally supportive of 'Grampian conditions' such as the requirement here that developers must demonstrate potable water supply and waste water treatment capacity.

Recommended Modification

We suggest rewording along the lines of '*Co-operate with other utilities and service providers to ensure that appropriate capacity is available to serve new development; and*

Ensure new development does not have an adverse effect on the Lee Valley Special Protection Area. New development post 2026 will only be permitted if the required capacity is available at Rye Meads STW, including any associated sewer connections.'

10. RY1 - Land west of Ivy Farm, Baldock Road

Natural England considers this policy to be unsound – not consistent with national policy

This allocation has been the subject of much discussion between Natural England and the Local Planning Authority both through the local plan process and application reference 16/00378/1.

Site RY1 is in very close proximity to Therfield Heath Site of Special Scientific Interest (SSSI) and has the potential to impact via recreational pressure. There is currently insufficient evidence that this allocation can be achieved without significant impacts on the notified features of the SSSI. There are also insufficient details on the mitigation that may be required. This allocation does not therefore currently satisfy the requirements of paragraphs 118 or 152 of the NPPF.

It is unclear from the plan what role, if any, the adjacent area of 'urban open land' will play in mitigation. The SA should explore whether that site would provide a suitable alternative for development instead of allocation RY1 which could then act as a green buffer. Also, as there is a railway line separating RY1 and the 'urban open land' it is difficult to see how this open land could provide easily accessible greenspace for residents in RY1. They would be much more likely to use Therfield Heath.

Natural England is happy to continue engaging with the Local Authority regarding this allocation but a detailed mitigation strategy should be provided before the plan is adopted.

11. R1 – R11

Natural England considers these policies to be unsound – not consistent with national policy

As recognised in the SA all sites within Royston and the surrounding area have the potential to cause cumulative impacts on Therfield Heath SSSI through recreational pressure and as such these policies are likely to require mitigation. Table 31 recognises that cumulative effects of development for Royston 'there may be a need for the developers of these sites to contribute towards measures to protect the SSSI.' However the local plan policies do not address any of the impacts identified in the SA. As currently worded the local plan does not contain sufficient protection or mitigation measures to be compliant with paragraph 118 of the NPPF. We therefore advise that a detailed mitigation strategy is provided before the plan is adopted.

Also note our comments relating to SP11 and the capacity of Royston Sewage Treatment Works.

12. Soils

Natural England considers this policy to be unsound – not consistent with national policy

Paragraph 109 of the NPPF states that '*the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing... soils.*' The plan does not currently appear to address soils. Natural England advises that protection and enhancement of soils, particularly best and most versatile (BMV) agricultural land, should be recognised in policy

13. Monitoring

Natural England does not consider that the proposed monitoring indicators proposed in Table 2: Key Indicators and Targets for Monitoring Policies will appropriately measure the effectiveness of the plan. We note the indicator for SP11 and consider that something similar would be appropriate for SP12 (e.g. Applications permitted against the advice of Natural England).

Positive indicators should also be use such as percentage increase in priority habitat and percentage increase in GI.

13. Sustainability Appraisal

Natural England is not currently satisfied that the Sustainability Appraisal has adequately assessed the impacts of development on Therfield Heath SSSI or the Chilterns AONB.

Natural England comment

Table 6: Key sustainability issues

Specific reference needs to be made to the issue of recreational disturbance on ecological designated sites under the heading 'Environmental protection. This is a key issue at, for example, Therfield Heath SSSI and should be a prominent element of the assessment of sites.

Table 7: Appraisal framework

The SA objectives and sub objectives make no reference to geodiversity and soils. We would also expect to see an objective relating to Green Infrastructure.

Table 9: Residual significant sustainability effects of the Plan

Residual effects should include increased recreational pressure on ecological sites such Therfield Heath SSSI and appropriate monitoring should be added to Table 10

2 Context, baseline and sustainability objectives

We would have expected to see a list of important ecological features in this section. As a minimum nationally designated sites within and in close proximity to the district should be included.

2.16 Royston

RY1 –formerly site 218 – West of Ivy Farm

The site assessment of RY1 has given assigned a '?' indicating uncertainty for SA Objective 3a (will the site protect and enhance biodiversity). Given that we consider current mitigation to be insufficient to prevent impacts on the adjacent SSSI this site should be assigned a negative or major negative score. It is notable that would leave the site scoring negatively in all of the Environmental Protection SA Objectives as well as for soils and a number of other sustainability criteria.

There is no cumulative assessment of impacts arising from the sum of development in Royston and no consideration of alternatives.

14. Habitats Regulations Assessment

Natural England comment

Natural England has some concerns regarding the methodology but does not disagree with the conclusions subject to satisfactory resolution of the issue raised in SP11 relating to capacity at Rye Meads Sewerage Treatment Works after 2026. Given the distances involved and the commitment to Green Infrastructure in policy NE2 there will be no likely significant effect arising from additional visitor pressures on the four European Sites identified.

For any queries relating to the specific advice in this letter only please contact Jamie Melvin on 020 802 61025. 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,



Mr Aidan Lonergan
Area Manager - West Anglia Team