

Date: 15 January 2019
Our ref: 265619 SM 150119 Kenilworth SPD
Your ref: Land East of Kenilworth SPD



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Submitted to Planning Policy Services, Warwick DC via
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BY EMAIL ONLY

Dear Sir / Madam

Land East of Kenilworth SPD – Consultation Draft

Thank you for your consultation on the above.

We understand the deadline for comments is passed and apologise for the delay in responding. We hope that these comments will be taken into account.

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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out below.

Natural England considers the SPD in compliance with the Policies of adopted Warwick District Local Plan 2011-2029 – September 2017, and specifically, Policy DS10 'Broad Location of Allocated Housing Sites'.

Furthermore, we consider it acceptably aligned with the general policies of The Kenilworth Neighbourhood Plan, and specifically, Policy KP4 'Land East of Kenilworth'.

European Sites - Habitat Regulations Assessment (HRA)

Based on the plans submitted, Natural England considers that the proposed development is unlikely to have likely significant effects upon the upon European/International Sites and has no objection to the proposed development. We advise, therefore, that the SPD need not proceed to Appropriate Assessment, under the Habitat Regulations.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Sites of Special Scientific Interest (SSSI)

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features of national protected sites and has no objection.

Soils and Land Quality

Having considered the proposals as a consultation under the Development Management Procedure Order (as amended), and in the context of Government's policy for the protection of the 'best and most versatile' (BMV) agricultural land as set out in paragraph 170 and 171 of the National Planning Policy Framework, Natural England draws your Authority's attention to the following land quality and soil considerations:

1. Based on the information provided with the planning application, it appears that the proposed development comprises approximately 100ha of agricultural land, including a significant amount of which is classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).
2. Government policy is set out in Paragraph 170 and 171 of the National Planning Policy Framework which states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

And

Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework¹; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

3. We recognise that the loss of agricultural land within the site has been deemed acceptable through the Local Plan process.
4. It is recognised that a proportion of the agricultural land affected by the development may remain undeveloped (for example as habitat creation, landscaping, allotments and public open space etc) and support these measures. In order to retain the long term potential of this land and to safeguard soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.
5. Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. Detailed guidance is available in Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#) (including accompanying [Toolbox Talks](#)) and we recommend that this is followed.

¹ Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Green Infrastructure and Biodiversity Net Gain

There are a number of woodland areas dispersed in the locality including ancient woodland immediately adjacent to the site and extending slightly into the site. There are also neighbouring areas of ecological importance. We encourage proposals which seek a biodiversity net gain from development and support the expansion, enhancement and improved connectivity of habitat and multi-functional green infrastructure corridors in accordance with the Lawton principles.

Should the developer wish to explore options for avoiding or mitigating effects on the natural environment with Natural England, we recommend that they use our [Discretionary Advice Service](#).

Please send further correspondence, marked for my attention, to consultations@naturalengland.org.uk quoting our reference 265619.

Yours faithfully



Susan Murray
Natural England

