

Development Services
Warwick District Council
Riverside House
Milverton Hill
Leamington Spa
CV32 5HQ

7th August 2013

Your ref:

Our ref: WDC_CR009_2013

WARWICK DISTRICT COUNCIL: SITES FOR GYPSIES AND TRAVELLERS CONSULTATION

Dear Sirs

Thank you for your email dated 17/06/2013, inviting Warwickshire Wildlife Trust's comments on the Sites for Gypsies and Travellers Consultation. The Trust has reviewed the consultation document and the associated Sustainability Appraisal and would like to submit the following response for your consideration:

Statutory and Non-Statutory Sites

The following sites listed as potential sites for Gypsies and Travellers are inclusive of, or are adjacent to, a statutory a county important Local Wildlife Site (LWS):

Site Allocation	Statutory or Non-Statutory Site
GT01 – Land Adjacent to the Colbalt Centre, Siskin Drive	Site is inclusive of Siskin Bird Sanctuary LWS.
GT03 – Land at Barnwell Farm	Site is situated adjacent to the Tach Brook which forms part of the River Avon LWS
GT04 – Land at Harbury Lane, Fosse Way	Site is inclusive of Whitnash brook LWS
GT09 – Land to the Northeast of the M40	Site is inclusive of a tributary which forms part of River Avon LWS
GT10 – Land at Tollgate House and Guide Dogs National Breeding Centre	Site is adjacent to Oakley Wood LWS
GT11 – Land at Budbrooke Lodge, Racecourse and Hampton Road	Site is inclusive of the Gog brook which forms part of the River Avon LWS
GT15 – Land East of Europa Way	Site is inclusive of the Tach Brook

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	which forms part of the River Avon LWS
GT20 – Land at Junction 15 of M40	Site in adjacent to the Horse brook which forms part of the River Avon LWS

Local Wildlife Sites are core areas for nature conservation, which underpin local ecological networks and make a significant contribution towards both national and local biodiversity targets and objectives. We believe that the value/ importance of these features, and the level of protection assigned to them in Paragraph 113 of the NPPF, must therefore be upheld during the selection of preferred Gypsy and Traveller site allocations so that the identified development needs of the district can be fulfilled without any net loss or degradation of county important wildlife assets.

Principally, impacts on Local Sites should be avoided in the first instance and so we look to the Local Authority to select sites that are situated away from, or can clearly demonstrate no significant effects on, a LWS. However, where justified, sites that are inclusive of or are adjacent to a LWS should be reviewed to ensure that the development densities proposed are reflective of the constraints posed by the size and extent of the LWS and its location within the site. In accordance with the mitigation hierarchy detailed in paragraph 118 of the NPPF, a review of pitch density must also take account of any mitigation needed to safeguard an LWS within the proposals. This may include making provision for any extensions, buffers and ecological connectivity needed to conserve the feature in the long-term.

The Trust recognises that the density of Gypsy and Traveller developments is likely to be comparatively low and so sufficient opportunities should be available to accommodate mitigation measures within the scope of the majority of site allocations. However in order for this mitigation to be effectively designed and implemented as part of any future planning application for a site, we firmly believe that these measures must be supported by a robust policy for the protection and enhancement of wildlife sites within the Local Plan; which, at present is currently omitted from the most recent Local Plan revision.

Recommendations

- Clearly indicate the presence of a Local Wildlife Site within or adjacent to all preferred site allocations to ensure that all constraints to development are identified.
- Ensure that the allocation of preferred Gypsy/ Traveller sites and the proposed pitch densities within these sites reflect the presence of a LWS and the mitigation requirements to safeguard the site within the long-term
- Include a robust policy for the Protection and enhancement of biodiversity within the Warwick District Local Plan

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- Ensure that the policy reflects paragraph 113 of the NPPF so that protection for local and regional wildlife sites is commensurate with their status and for the role they have within Local Ecological Networks.
- Ensure the biodiversity policy includes provisions to seek enhancements to local sites and features through buffering, extensions and management agreements so that these features continue to support the Government's stated ambition to create coherent and resilient ecological networks.

The following sites listed as potential sites for Gypsies and Travellers are inclusive of, or are adjacent to, a potential Local Wildlife Site (pLWS):

Site Allocation	Statutory or Non-Statutory Site
GT02 – Land abutting the Fosse Way at its junction with the B425	Site is adjacent to Parlour Spinney pLWS
GT04 – Land at Harbury Lane, Fosse Way	Site is inclusive of Field at Fosse Farm pLWS and is adjacent to Railway Cutting pLWS
GT07 – Land at Stoneleigh Road	Site is adjacent to Baginton Village Green West pLWS
GT09 – Land to the Northeast of the M40	Site is inclusive of Greys Mallory pLWS
GT10 – Land at Tollgate House and Guide Dogs National Breeding Centre	Site is inclusive of Wiggerland Wood pLWS
GT12 – Land north and west of Westham Lane	Site is inclusive of Spinney pLWS
GT19 – Land off Birmingham Road, Budbrooke, oaklands Farm	Site is adjacent to the Grand Union Canal pLWS
GT20 – Land at Junction 15 of M40	Site is inclusive of an unnamed pLWS (ref SP26L2)

Potential Local Wildlife Sites are sites that, from initial survey or historical records, are considered to be of county importance for nature conservation but have yet to be fully surveyed and assessed against the Warwickshire, Coventry and Solihull LWS Criteria Assessment. Any site listed as a pLWS should therefore be treated as a LWS when reviewing Gypsy/ Traveller site allocations unless survey and assessment against the standardised criteria suggests otherwise.

As detailed above, the presence of LWS could influence the type or density of development that could be achieved in each preferred site allocation. It is therefore important that the status of all pLWS is determined from the outset as this will provide sufficient justification for conserving the site and/or amending site densities, wherever necessary, so that its protection remains robust if challenged by development interests. In this respect, the evidence base for the Local Plan should be updated to

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ensure that all pLWSs within the site allocations outlined above, are surveyed and assessed against the LWS Criteria Assessment.

Recommendations

- Update evidence base to include an LWS survey and Criteria Assessment of all pLWSs detailed in table 2 above
- Ensure all sites that fulfil the LWS criteria are clearly indicated as LWS in the relevant site allocation so that all constraints and /or mitigation requirements for the development are identified.

Habitats and Species of Principal Importance

Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC) places a duty on all public bodies to have regard to the conservation of biodiversity in England and so, in accordance with paragraph 117 of the NPPF, Local Planning authorities should be promoting:

'the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan'

All preferred sites listed within the Sites for Gypsies and Travellers document have the potential to include habitats and species of principal importance for nature conservation, as listed under section 41 of the NERC Act. Furthermore, some of these habitats and species are also likely to be priorities within the Local Biodiversity Action Plan for Warwickshire, Coventry and Solihull (LBAP). To adhere to the statutory duty imposed by the NERC Act and to comply with the principles of national policy, we believe the local authority should therefore have regard to the potential presence of priority habitats and species within all preferred site allocations.

We emphasise the need for robust and up-to-date ecological information for all site allocations to help make an informed judgement about the likely presence of these features and the extent they could be affected by any proposed development at a site. This will ensure that the local authority can review the pitch density of a site allocation to ensure that priority habitats or species can be factored into (i.e preserved, restored or created) the designs of the proposals; taking into account national or local biodiversity targets.

Moreover, in order to ensure that this regard is embodied within any future planning application, robust provisions for priority habitats, species or other features of ecological importance outside statutory or non-statutory sites (i.e ancient woodlands, river corridors and other wildlife corridors such as disused railways and road verges) must be supported by a policy for the protection and enhancement of biodiversity

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within the Local Plan. As above, we emphasise that the current revision of the Warwick District Local Plan is not inclusive of a specific biodiversity policy at this stage.

Recommendations

- Ensure that the Habitat Biodiversity Data is updated for all preferred Gypsy/ Traveller site allocations so that any potential habitats and species listed within section 41 of the NERC Act or the LBAP are identified and acknowledged accordingly.
- Review the pitch density proposed at each site allocation to ensure that impacts on priority habitats and species are avoided and reduced as far as feasibly possible and that opportunities for restoration or creation of priority features, linked to national and local targets, are identified as part of the green infrastructure proposals for the site.
- Include a policy to highlight that the Local Authority will seek to conserve, restore, create or enhance priority habitats and features listed in section 41 of the NERC Act and the LBAP as well as other features of ecological importance outside statutory and non-statutory sites

Cumulative Ecological Impact

The Trust notes that site GT01 falls entirely within land allocated for the establishment of ecological compensation to address the impacts of the recently approved Coventry Gateway development proposals. The compensation scheme has been carefully balanced using the DEFRA Biodiversity Offsetting pilot scheme, applied locally for Warwickshire, Coventry and Solihull, to address the ecological impacts of the development proposals. Any deviation away from this scheme will subsequently make the Gateway proposals unacceptable in planning terms and will require amendments to the planning conditions and obligations to address any resulting shortfalls of biodiversity from site.

Furthermore, the compensation scheme for the above proposal has been designed in a way so as to maintain a connective ecological corridor along the River Avon corridor as well as buffering and extending the Siskin Bird Sanctuary LWS, which also falls within the site boundaries of GT01. The allocation of this site could therefore constrain and impact upon the value and function of the proposed ecological corridor and exacerbate the disturbance effects to its associated wildlife. We consider that the adverse cumulative effects on biodiversity at this site are likely to be significant and so firmly believe this should afford sufficient weight in the decision making process.

Recommendations

- Ensure that sufficient weight is given to the potential for significant adverse ecological impacts within site allocation GT0.1

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Net Gain for Biodiversity

The NPPF states that the planning system should contribute to and enhance the natural and local environment by:

'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'

It further states that planning authorities should:

'set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure'

As the Sustainability Appraisal identifies negative effects on biodiversity for almost all of the preferred Gypsy/ Traveller site allocations, it will be necessary to demonstrate how the Local Plan will comply with the NPPF principles outlined above. Whilst we recognise that the extent and density of Gypsy/ Traveller site allocations is likely to be low and so could incorporate sufficient mitigation to offset any adverse impacts on biodiversity, we do not believe that this alone embodies the positive approach to planning for biodiversity required within the local plan. We believe that this can only be achieved if all developments, including gypsy/ traveller sites, make a positive and proportionate contribution to establishing a coherent and resilient ecological network for the district.

We subsequently believe that the Local Authority should promote policies in the local plan by which all preferred site allocations contribute towards enhancing district wide networks of biodiversity and green infrastructure (GI). In doing so, the local authority should take into account and link with the opportunities provided by the Warwick District GI Strategy and the Warwickshire, Coventry and Solihull Sub-regional GI Strategy and associated Biodiversity Offsetting appendix, so that contributions and enhancements are aligned with or focussed towards identified biodiversity and/ or GI needs.

Recommendations

- Include robust policies to ensure that all site allocations make a proportional contribution to the delivery of biodiversity enhancement and green infrastructure in the district, linked to the identified green infrastructure projects and the aims and objectives of the Sub-regional GI document.
- Adopt the sub-regional GI strategy and associated Biodiversity Offsetting metric as part of the Local Development Framework.

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Yours sincerely

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