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Our ref: 150390



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BY EMAIL ONLY

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Dear Ms Ros Middleweek

Planning consultation: Strategic Environmental Assessment Screening Brereton Neighbourhood Plan

Thank you for your consultation on the above which was received by Natural England on 09 May 2015.

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.

Designated Sites

Natural England advises that the neighbourhood plan area includes Bagmere Site of Special Scientific Interest (SSSI) which is a component of the Midland Meres and Mosses Phase 1 Ramsar Wetlands. Ramsar sites are designated as wetlands of international importance under the Ramsar Convention and are given the highest levels of protection under national policy¹. The plan area also intersects River Dane SSSI and is in close proximity to Holly Banks SSSI and Brookhouse Moss SSSI.

Natural England advises that the special features of the Midland Meres and Mosses Phase 2 Ramsar Sites are particularly sensitive to hydrological changes. We advise that there is potential for adverse impacts to arise from new housing as a result of policies HOU01 and HOU02 from:

- the further modification of the hydrological function of the catchments supporting the sites particularly loss and/or change in the character of water input (chemistry and flow) to the site.
- the potential changes in the water supplying the habitats of the site, the further risk of pollution of the sensitive wetland, by activities during construction and from domestic activities post-construction, and
- the potential for hindrance of the conservation/restoration measures necessary, both within the site and its surrounding catchment, to achieve the sites' conservation objectives.

Natural England notes that the settlement boundary of Brereton Heath lies less than 700m from Bagmere SSSI (Midlands Meres and Mosses Phase 1 Ramsar) and the settlement is within the water catchment for the site. We would be concerned if development came forward in Brereton Heath without adequate hydrological surveys and any necessary avoidance or mitigation measures

¹ Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.



identified by the assessment. We would be particularly concerned if development was proposed which was not connected to mains sewer as foul water and effluent discharges would be particularly damaging to the site.

Natural England broadly welcomes policy ENV04 however we consider that the policy requires a number of amendments in order to effectively safeguard against adverse impacts on designated sites as set out below:

- Criterion 1 appears to refer only to development within designated sites which would not address hydrological impacts that affect the site from outside the boundaries of the designated site. We advise you consider removing the words “*Within these areas*” from the criterion.
- We advise that it is made clear in criterion 2 that development is only permitted where the assessment determines that there is no impact or where effective avoidance/mitigation measures proposed in the assessment are followed.
- Natural England also advises that you consider providing further details in criterion 2 regarding the topics that will need to be addressed by assessment. In particular we would want to see the assessment submitted in support of any planning application address the potential hydrological impacts of the proposal, both in terms of water quality and water supply to Bagmere SSSI (Midlands Meres and Mosses Phase 1 Ramsar).

Soils and Best and Most Versatile Land

Natural England notes that the plan area includes areas of agricultural land grades 2 and 3a best and most versatile agricultural land. We welcome the aim of the parish to protect the best and most versatile agricultural, as stated in para 3 of the Justification and Evidence for Policy HOU01, and advise that you consider addressing the protection of soils through policies in the plan. For instance you may wish to include the conservation and sustainable management of soils as a criterion under policy ENV05.

The conservation and sustainable management of soils is reflected in the National Planning Policy Framework (NPPF), particularly in paragraphs 109 and 112. When the parish are considering land use change, the permanency of the impact on soils is an important consideration. Particular care over planned changes to the most potentially productive soil is needed, for the ecosystem services it supports including its role in agriculture and food production. Plan policies should therefore take account of the impact on land and soil resources and the wide range of vital functions (ecosystem services) they provide in line with paragraph 17 of the NPPF, for example to:

- Safeguard the long term capability of best and most versatile agricultural land (Grades 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future.
- To avoid development that would disturb or damage other soils of high environmental value (eg wetland and other specific soils contributing to ecological connectivity , carbon stores such as peatlands etc) and, where development is proposed.
- Ensure soil resources are conserved and managed in a sustainable way.

To assist in understanding agricultural land quality within the plan area and to safeguard ‘best and most versatile’ agricultural land in line with paragraph 112 of the National Planning Policy Framework, strategic scale Agricultural Land Classification (ALC) Maps are available. Natural England also has an archive of more detailed ALC surveys for selected locations. Both these types of data can be supplied digitally free of charge by contacting Natural England. Some of this data is also available on the www.magic.gov.uk website.

4. General mapped information on soil types is available as ‘Soilscapes’ on the www.magic.gov.uk and also from the LandIS website <http://www.landis.org.uk/index.cfm> which contains more information about obtaining soil data.
5. Some of the most significant impacts on soils occur as a result of activities associated with

construction activity. A Code of Practice has been developed by Defra to assist anyone involved in the construction sector to better protect the soil resources with which they work and in doing so minimise the risk of environmental harm such as excessive run-off and flooding. The aim is to achieve positive outcomes such as cost savings, successful landscaping and enhanced amenity whilst maintaining a healthy natural environment. We advise that this code is used as part of addressing soils in development plan policies. For further information see <http://www.defra.gov.uk/publications/2011/03/27/construction-cop-soil-pb13298/>

Section 6.4 Protect the Rural Environment

Natural England broadly support the positive emphasis of this section of the plan, particularly the support for conservation, management and enhancement of local biodiversity and geodiversity in policy ENV05. We suggest you consider including a criterion in ENV05 regarding the protection and enhancement of surface and ground water quality to comply with the Water Framework Directive in ensuring that development does not cause deterioration in the status of inland waters.

Habitats Regulations Assessment

Where a neighbourhood plan could potentially affect a European protected site, it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2010), as amended (the 'Habitats Regulations'). One of the basic conditions that will be tested at Examination is whether the making of the plan is compatible with European obligations and this includes requirements relating to the Habitats Directive, which is transposed into the Habitats Regulations.

In accordance with Schedule 2 of The Neighbourhood Planning (General) Regulations 2012, a neighbourhood plan cannot be made if the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) cannot be ruled out. Therefore, measures may need to be incorporated into the neighbourhood plan to ensure that any likely significant effects are avoided in order to secure compliance with the Regulations. A screening exercise should be undertaken if there is any doubt about the possible effects of the plan on European protected sites. This will be particularly important if a neighbourhood plan is to progress before a local plan has been adopted and/or the neighbourhood plan proposes development which has not been assessed and/or included in the Habitats Regulations Assessment (HRA) for the local plan.

Natural England have reviewed the information provided in Habitats Regulations Screening documents a. and b. available from the www.mybrereton.com. We advise that the Local Planning Authority sets the information out in a report format which explains the process, legislation, features and sensitivities of the European and Ramsar sites. For instance as set out in the Cheshire East Local Plan Habitats Regulations report.

With regards to document a. Habitats Regulations Screening Cheshire East Assessment we note that category 1D appears to rely on the policies and assessments for the unadopted Cheshire East Local Plan. We advise that, while the HRA and Sustainability Appraisal (SA) for an unadopted local plan can provide an important evidence base to underpin the assessment of the neighbourhood plan, mitigation and policies from the unadopted plan cannot be relied upon to safeguard the neighbourhood plan from adverse effects on the integrity of designated sites. We advise that more detail should be provided in the report to substantiate the determination of no likely significant effect (LSE).

While we welcome the employment of a 15km screening distance, which seems appropriate to the nature and scale of the plan, and the mapping of European Sites and Ramsar Sites in document b. Habitats Regulations Screening HRA Designations, we suggest that you also name a list the sites considered in the assessment.

Strategic Environmental Assessment

Natural England has provided a screening opinion to Cheshire East Council with respect to the need for a Strategic Environmental Assessment in our letter dated 07 May 2015 (our ref 151372) which is attached for your ease of reference.

Protected species

You should consider whether your plan has any impacts on protected species. To help you do this, Natural England has produced standing advice to help understand the impact of particular developments on protected or Biodiversity Action Plan species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, you should undertake further consultation with Natural England.

[Natural England Standing Advice](#)

For any queries relating to the specific advice in this letter please contact Merlin Ash on 0300 060 4271 or via email merlin.ash@naturalengland.org.uk. 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

Merlin Ash

On behalf of the Cheshire, Greater Manchester, Merseyside & Lancashire Area Team