



Dealt with by: Mrs J. E. Curley

Our Ref: JEC/ADS/Scoping

Direct Dial: 01538 395400 ext. 4124

Your Ref: CP/796B

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Date: 9th October 2014

Christopher Peacock
Principal Environmental Planner
HOW Planning LLP
40 Peter Street
Manchester
M2 5GP

Dear Mr. Peacock,

Moneystone Quarry, Whiston Eaves Lane, Whiston, Staffordshire Moorlands
Environmental Impact Assessment – Request for Scoping Opinion,
Environmental Impact Assessment Regulations (2011) s.13

Further to previous communications I am pleased to provide the attached as the formal Scoping Opinion of the Council in respect of the proposed leisure development by Laver Resorts Limited at Moneystone Quarry and environs, Staffordshire Moorlands.

Prior to making this response your submitted Scoping Proposal has been circulated to Staffordshire County Council in respect of Highways, Ecology, Minerals, Waste etc.; Environment Agency, Natural England, and internally in respect of Environmental Health, Ecology, Trees and Waste.

External consultee responses have been received from Staffordshire County Council (SCC), the Environment Agency and from Natural England. Copies of these responses are attached and are fully endorsed. Attention in particular is drawn to the matter of site area definition. SCC sets out serious concern in respect of the apparently tightly drawn boundary of the site being assessed and demonstrates that the development as described (and indeed as understood through Pre-application discussions) will utilise surrounding land outside of the red edges shown. Paragraph 2.5 of the Scoping Proposal refers to a 46 hectare site. In response we suggest that more realistically the area would approach 70 hectares. SCC has referred to the water bodies as a critical example of how the EIA needs to take account of a wider area of impact. The point is again illustrated by reference to the isolated oval of development at Black Plantation to the very north of the site. This is within a woodland block and any development within its centre would have a significant impact upon the wood as a whole.

Attention is also drawn to the SCC comments in respect of survey levels for Great

Crested Newts. Clearly, relevant guideline standards need to be met. It is noted that spring / summer bird surveys have been made. Additionally consideration should be given to the potential significance or otherwise and the consequent impacts of the development in relation to use of the water bodies and wetland areas by passage and wintering birdlife.

Paragraph 3.2 refers to key elements of the proposal as including Water Sports Centre, Outdoor Sports and leisure activities. As these are no doubt integral to the overall development their impacts need to be included in the assessment; likewise any other impacts, whether recreational or of any other form, that will utilize or otherwise impact upon other surrounding, or surrounded, land. The relationship with the parallel development proposal covering Crow Trees Farm needs similarly to be understood and assessed.

Paragraph 2.3 correctly references the SMDC adopted Core Strategy. However at 7.4, 11.22, and 14.4 the proposal document variously retains now obsolete references to 'emerging' Core Strategy, now adopted; Special Landscape Area, now superseded with landscape considerations assessed against the landscape character assessments of both SCC (Planning for Landscape Change, 2001) and SMDC (Landscape Settlement Character Assessment, 2008 and Churnet Valley Landscape Character Assessment (2011); and Staffordshire Moorlands Local Plan, now superseded by the adopted Core Strategy, 26th March 2014.

Under Cumulative Impacts considered at section 17 specific request is made at 17.3 for notice to be given by SMDC of any known or foreseeable other developments in the site vicinity. At paragraph 17.2 the need to consider the Solar Farm development currently under consideration for planning consent is recognised. As noted above close consideration needs also to be given to the linked riding centre proposal for Crow Trees Farm. No other relevant development proposal of significance is currently known from the vicinity.

Yours sincerely,

Robert Weaver
Head of Regulatory Services

Arne Swithenbank,
Ecologist and Associate
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Staffordshire Moorlands
District Council,
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Web site: www.staffordshire.gov.uk/planning
Please ask for: Matthew Griffin

SENT BY EMAIL

Our Ref: SCO.65/Moneystone Quarry

Your Ref:

3 October 2014

Dear Mr Swithenbank,

**SCHEME OF DELEGATION TO OFFICERS: SCO.65/MONEYSTONE QUARRY:
CONSULTATION FROM STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL IN
CONNECTION WITH A REQUEST FOR SCOPING OPINION FOR LEISURE DEVELOPMENT AT
MONEYSTONE QUARRY, OAKAMoor**

I refer to your email sent 19 September 2014 and write to confirm the observations of the County Council in respect of the above request to your authority made under regulation 13 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Proposed Development

Laver Resorts Limited is seeking to obtain planning permission for a leisure-led mixed use development on 46 hectares of land within the former Moneystone Quarry. The proposals seek to redevelop the quarry and will comprise of 250 lodges, outdoor and indoor leisure facilities including a water sports centre as well as a central hub which will consist of restaurants and shops. The development will be integrated into the landscape with habitat creation.

Approach to environmental impact assessment

The site location plan (drawing number PL1088.M106) excludes parts of the quarry such as water bodies and some habitat areas. It is not a robust approach to exclude from the planning application and associated EIA process water bodies and other habitats immediately adjacent to or within areas subject to the leisure proposals. Section 3.3 of the Scoping Report states: "The development will be integrated into the landscape with habitat creation forming an important element of the scheme. Existing landscape features and structures will be utilised to ensure the landscape character of the site is maintained." In addition, section 2.4 of the Scoping Report indicates that water based recreation is proposed, meaning that the water bodies need to be also included within the



application site. There also appears to be an inconsistent approach to the inclusion of land affected by proposals for the solar farm in that only part of the solar farm area is excluded from the proposed application site. It is recommended that the applicant be advised that, other than the solar farm site covered by a separate application, a comprehensive application including water bodies and other habitats within the quarry be required.

Ecology

The Scoping Report is factually misleading. Section 2.8 states that quarry 1 areas have been restored to wetland habitat while section 2.9 states that parts of Quarry 2 have been restored. This is not the case. The Quarry 1 wetland habitats have developed since extraction finished and do not represent restored habitats as per the approved restoration plan which remains outstanding as does the associated aftercare. Quarry 2 restoration was commenced but not completed and a complete absence of aftercare has meant that the aspects of restoration carried out have been lost. Moreover, the restoration and aftercare requirements of the recently approved Revised Restoration Plan have not been completed (ref. [SM.96/935/122 M D4 dated 13 March 2014](#))

Section 2.13 omits the extensive ancient woodland designations around and possibly partially within the southern part of the site.

The geology and hydrology section fails to reference hydrological links with the Whiston Eaves SSSI which need to be considered. Related to this matter, the applicant should consider groundwater monitoring in the area that should have been carried out in accordance with the requirements of a [Section 106 legal agreement dated 15 May 1998](#) associated with planning permission SM.96/935.

Formation of the plateaux for the solar farm is not in accordance with the approved restoration plan for the quarry, with neither this scoping opinion nor the solar farm application considering impacts on protected species associated with the re-profiling which has been carried out. The additional application for an equestrian centre on adjacent land at Crowtrees Farm will also add to landscape and ecological impacts. An assessment of cumulative impacts is therefore recommended. It is noted that section 17 of the Scoping Report cites the solar farm application but not the equestrian centre.

Mitigation: This should follow the accepted mitigation hierarchy of avoid: minimise: mitigate: compensate: enhance.

Ecological survey and assessment: As discussed with the District Council and the applicant there is an approved restoration plan for the site which includes the mitigation and compensation that was required to address the impacts of mineral extraction. The environmental mitigation secured by this restoration plan should, in addition to issues identified by ecology surveys, be the baseline for ecological impact assessment and mitigation and compensation design.

SCC has discussed surveys with Bowland Ecology but only in the context of informing the implementation of the approved restoration plan, not for EIA purposes which will require a more comprehensive approach. Therefore any agreement for surveys in that context is not relevant to this Scoping Report.

Great crested newts: Two visits is insufficient to allow for updated population assessment after 4 years and does not meet Natural England requirements for licensing as 2010 survey data is out of date. The District Planning Authority has a duty to establish whether a Natural England licence



would be granted. Natural England guidance for great crested newt survey and population size assessment should be followed: i.e. four survey visits for water bodies where no great crested newts are recorded and six visits where the species is recorded. Different survey methods should be employed in line with Natural England guidance.

Breeding birds: a comprehensive survey should include the entire site affected by proposals.

Bat surveys: Transects for surveys should be agreed with Staffordshire Moorlands District Council. Should any woodland or trees be affected, e.g. by woodland-based activities or lighting roost survey of trees should be carried out. Impacts of lighting introduced to the site on bats should be assessed. This is not an insignificant issue as suggested by the Scoping Report section 18.

Badger survey is required.

Should the transport assessment indicate that any changes are required to the local road network, an assessment of the ecological impacts of these would be required and mitigation/compensation included.

Comments regarding trees are left to the Staffordshire Moorlands District Council.

Landscape and Visual

The section refers to appropriate methodology; 'Guidelines for Landscape and Visual Assessment 3rd Edition'. Conformity with the process outlined in this manual should address all the correct landscape issues.

Regarding sources for desktop study this should include reference to '[Planning for Landscape Change](#)'. This document provides supporting information on landscape character and landscape sensitivity, and guidance that could be used to inform decisions on appropriate mitigation.

Archaeology & Historic Built Environment

All the archaeological relevant historic built environment issues are being considered within the Archaeological and Cultural Heritage section of the Scoping Report. The Scoping Report identifies a requirement for a historic environment desk-based assessment to be carried out in accordance with IfA standards and guidance. This is an acceptable approach.

Rights of Way

The SCC Rights of Way Team is dealing directly with the applicant regarding Public Rights of Way. This should, however, be addressed in the EIA process.

Mineral safeguarding

It is proposed to examine the site's geological conditions (refer to section 9 of the Scoping Report) and the effects of development on geological conditions during both the construction and operational phases. The aim of this assessment will be to identify, as far as is reasonably possible, the nature of the underlying ground conditions and contamination within the study area. It is recommended that this assessment should be extended to assess the extent that the development will sterilise underlying and adjacent mineral resources.



Relevant policy for safeguarding minerals from other development includes the [adopted Minerals Local Plan](#) saved policy 5 and the National Planning Policy Framework ([paragraphs 143 and 144](#)). In addition, consideration should be given to the [emerging Minerals Local Plan](#) (policy 3). Relevant policy guidance includes the [National Planning Practice Guidance](#) which defines Mineral Safeguarding Areas and explains how they should be regarded; and '[Mineral safeguarding in England: good practice advice](#)' which was published by the British geological Survey (BGS). The BGS also produced a report for the County Council in 2006 '[Provision of Geological Information and a Revision of Mineral Consultation Areas for Staffordshire County Council](#)', published on our web site, which will also be relevant.

The proposed development is located within an area defined as a Mineral Consultation Area (MCA). MCAs define areas in which development is likely to affect or be affected by the winning and working of minerals and there is a requirement for the district council to consult the Mineral Planning Authority on any proposals for non-mineral development within a MCA. The adopted Staffordshire and Stoke-on-Trent Minerals Local Plan (1994 – 2006), saved policy 5 requires that:

Development within Mineral Consultation Areas should not sterilise or seriously hinder the extraction of mineral deposits of economic value which are capable of being worked in accordance with policy 4.

Where the proposed development falls within the Mineral Consultation Area and may have a significant impact upon mineral resources then the responsibility rests with the prospective developer to prove the existence or otherwise, quantity and quality of the mineral prior to the determination of the planning application.

In this case, the proposal is located within an area known to be underlain by the Rough Rock Formation which can be extracted to produce high quality silica sand. The site has been previously quarried and an evaluation is required to indicate whether viable reserves of minerals remain and if so, the extent to which any remaining reserves would be sterilised.

In accordance with current national policy for safeguarding important mineral resources, our emerging Staffordshire Minerals Local Plan (2015 – 2030) refers to Mineral Safeguarding Areas (MSA) that cover “known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development”. Within these areas, policy 3 of the emerging Plan requires that:

Within a Mineral Safeguarding Area, non-mineral development should not be permitted to go ahead until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

a) the existence, the quantity and the quality of the underlying or adjacent mineral resource; and

b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

The proposed site also falls within a proposed MSA for silica sand and although the policies in the emerging Minerals Local Plan do not carry significant weight as the plan is at an early stage of preparation, the policy requirement to assess whether there are important silica sand resources reflects government policy and should therefore be addressed.



An area of land to the north-west of the quarry was allocated as an 'Area of Search' in the adopted Minerals Local Plan (refer to saved [proposal 7](#)¹ and saved policy 57) but in 2007 an application to extend the quarry into that area was refused planning permission. Nevertheless, having regard to local policy, the applicant should also consider whether the proposal would 'seriously hinder' the future winning and working of minerals within the Area of Search.

The proposal also includes land that provided access from the quarry to the railway to the south of the site and the scoping report refers to a conveyor and pipeline that would have provided a means to transfer mineral to a rail head for loading mineral onto trains. Although this location is not highlighted as a 'mineral infrastructure site' in the emerging Minerals Local Plan, consideration should be given to the impact of the development in restricting the potential use of this conveyor route and access to the rail line in conjunction with an assessment of the impact of the proposal on underlying and adjoining mineral resources.

Waste Management

It is proposed to assess the potential environmental effects of waste generated during both the construction and operational phases of the development (refer to section 13 of the Scoping Report). Relevant policy guidance includes the [Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010 – 2026](#) policy 1.2 and [Planning Policy Statement 10: Planning for Sustainable Waste Management](#), paragraphs 34 and 35. The approach of the assessment should be extended to ensure that all relevant aspects of these policies are addressed e.g. using recycled construction and demolition wastes during construction.

Transport and Access

Section 14 of the Scoping Report sets out the approach for assessing the likely transportation changes on the existing highway network as result of the development. The Transport Assessment scope has been agreed with the transport consultant Brian Laird from Royal Haskoning. The EIA scope covers the headline issues.

Conclusion

Under the powers contained in the 'Scheme of Delegation to Officers', this letter confirms Staffordshire County Council's comments on the scope of the environmental information to be considered by the applicant as part of the preparation of an Environmental Statement to accompany an application to Staffordshire Moorlands District Council in connection with the proposed development at Moneystone Quarry.

Yours sincerely

Matthew Griffin

Team Leader – Minerals Policy

Copy to Environmental Advice Team and Transport Development Control Team

¹ Listed as a constraint for the Moneystone Quarry Opportunity Site in the [Churnet Valley Supplementary Planning Document \(March 2014\)](#)



Date: 02 October 2014
Our ref: 132496 SM 021014 Moneystone.doc
Your ref: EIA Scoping Opinion – Moneystone Quarry



FAO Jane Curley (Case Officer) via Jane.Curley@staffsmoorlands.gov.uk
and arne.swithenbank@staffsmoorlands.gov.uk

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T 0300 060 3900

BY EMAIL ONLY

Dear Jane

Environmental Impact Assessment Scoping consultation (Regulation 15 (3) (i) of the EIA Regulations 2011): High quality mixed-use leisure-led development **Location:** Moneystone Quarry, Staffordshire

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 19 September 2014

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.

This scoping response relates to emerging leisure-led mixed-use development proposals on the Moneystone Quarry site in Whiston, Staffordshire. We understand the proposals '*will comprise a mixture of lodge accommodation, outdoor and indoor leisure facilities and a central hub which will consist of restaurants and shops. The development will be integrated into the landscape with habitat creation forming an important element of the scheme*'. (Scoping Report, July 2014 para 1.2).

The proposals are emerging in response to the recent adoption of Staffordshire Moorlands District Council's Core Strategy (specifically, Policy SS7) and the Churnet Valley Masterplan SPG and, therefore, proposes the site be used for:

- holiday accommodation comprising a maximum of 250 lodges;
- with outdoor recreation activities;
- an admin/business centre;
- retention of existing office block;
- a central hub (comprising a mixture of recreational uses);
- non-motorised water based activities and Water Sports Centre;
- a café; and
- a visitors centre.

Natural England entered into discussions with the applicant some years ago in respect of previous proposals. We understand that these proposals, whilst similar, relate to a smaller proposed development site excluding, amongst other land, that comprising Whiston Eaves SSSI.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from

available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

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.

We would, however, add that given the potential concerns associated with the adjacent SSSI and its features Natural England would encourage the applicants to consider accessing our Discretionary Advice Service (DAS). Natural England has recognised that developers and consultants are at times looking to us to provide a level of service that is not sustainable within our current resources. To address this, we have introduced DAS to provide non-statutory advice related to development proposals, supported by the introduction of charges. In doing so, our aim is to offer improved customer service, support sustainable development and achieve better environmental outcomes through the planning system.

DAS will give the applicants:

- Initial Advice on their case at no charge
- the opportunity to access continued advice around statutory conservation issues, on a charged basis
- a main adviser contact for all their pre-app advice
- agreed timescales for responding to their needs.

If they are interested, we would need to begin the process by understanding what service they would like from NE. The first step is to fill out a simple form, so we can register their interest, and make sure they have the right adviser for their case. We ask that they please visit our website for more information and a downloadable request form here

<http://www.naturalengland.org.uk/ourwork/planningdevelopment/das/default.aspx>

We ask if they could please do let me know should they wish to proceed.

For any queries relating to the specific advice in this letter only please contact Susan Murray on 0300 060 2967. 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

Susan Murray
Lead Adviser – Sustainable Development and Wildlife (North Mercia Area Team)
Natural England

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EcIA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EcIA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EcIA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (eg designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. In addition

paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site is located directly adjacent to Whiston Eaves SSSI.

It also lies within 2km of the following:

- The Churnet Valley SSSI
- Froghall Meadow and Pastures SSSI
- Bath Pastures SSSI

Further information on the SSSI's and their special interest features can be found at www.magic.gov. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI's and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

It is reassuring to see the scoping report (page 10) identify Whiston Eaves SSSI as a potential sensitive receptor and Natural England would encourage the applicant to enter into discussions with ourselves at the outset to ensure this does not prove a constraint to development.

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites (notably, to include the Ashbourne Hey Local Wildlife Site (LWS)). The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

Ancient Woodland

It is noted that large areas of Ancient Woodland are located in close proximity to the proposed development site.

Ancient woodland is an irreplaceable resource of great importance for its wildlife, its history and the contribution it makes to our diverse landscapes. Local authorities have a vital role in ensuring its conservation, in particular through the planning system. The ES should have regard to the requirements under the NPPF (Para. 118)² which states:

'Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.'

Information about ancient woodland can be found in Natural England's standing advice http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland_tcm6-32633.pdf.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication '[Guidance for Local Authorities on Implementing the Biodiversity Duty](#)'.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (eg from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (eg whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife

within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

3. Designated Landscapes and Landscape Character

Nationally Designated Landscapes

The proposed development site does not presently fall within a nationally designated landscape.

The development site is, however, located within a locally designated Special Landscape Area (SLA). The local planning authority will, therefore, be responsible for making a judgement as to the likely effects upon this and any related policy.

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the

proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

Heritage Landscapes

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm and further information can be found on Natural England's landscape pages [here](#).

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Rights of Way, Access land, Coastal access and National Trails

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on any the nearby National Trail's. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

5. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

6. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

7. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out (in particular, the Solar Farm application proposals directly adjacent). The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.