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Development Strategy Team

Rugby Borough Council

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BY EMAIL ONLY

Dear [redacted]

Rugby Local Plan - Local Plan Review - Issues and Options CONSULTATION

Thank you for your consultation on the above dated 30 October 2023, which was received by Natural England on 30 October 2023.

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.

Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.

3. LAND FOR EMPLOYMENT USES

***Q 3**. Please provide any comments you have on the suitability of any of the broad locations listed above (or another location we have missed).*

Natural England understands that currently the suggested locations are vary broadly defined. However, please take into consideration the locations which are within the impact risk zones (IRZ) of several Sites of Special Scientific Interest (SSSI). The most notable and sensitive to industrial developments are:

- Ansty Business Park expansion/A45 Walsgrave Junction, within the IRZ for Combe Pool SSSI.
- Prologis Park Ryton expansion, within the IRZ for Brandon Marsh and Ryton Wood SSSIs.
- Safeguarded land within the South West Rugby allocation, and A45/A4071 junction, are within the IRZ for Draycote Meadows SSSI.
- Other issues which may affect these designated sites are water supply, water quality and air quality.

The Local Plan should set criteria-based policies to ensure the protection of designated biodiversity and geological sites. Such policies should clearly distinguish between international, national and local sites. Natural England advises that all relevant Sites of Special Scientific Interest (SSSIs), should be included on the proposals map for the area so they can be clearly identified in the context of proposed development allocations and policies for development. Designated sites should be protected and, where possible, enhanced. The direct and indirect impacts of proposed development on designated sites should be considered, including impacts on water quality/supply

and the impacts on air quality from increased traffic, intensive agriculture or industrial developments. Criteria-based policies to guide development should include application of the mitigation hierarchy and how the direct, indirect, and cumulative impacts of development on designated sites will be addressed.

Further information on designated sites is at Designated Sites View (https://designatedsites.naturalengland.org.uk/). Natural England's Impact Risk Zones (IRZ) on MAGIC maps (www.magic.defra.gov.uk) identify potential development impacts.

Site selection must also be informed by the relevant environmental assessments. These are:

- Sustainability Appraisal incorporating Strategic Environmental Assessment: it should be clear how this has informed and provided justification for the sites selected for allocation assessed against reasonable alternatives. Recommendations and findings from the assessments should also be used to inform mitigation measures and design principles for the allocated sites.
- Habitats Regulations Assessment: mitigation and avoidance measures identified through the HRA should be secured through policies in the Plan. Where mitigation or avoidance is not possible the site should not be allocated.

***Q 6**. Are there exceptional circumstances that mean we should amend Green Belt boundaries to meet the need for employment land?*

Natural England only advises on amendments to Green Belt boundaries where proposals to remove land from the Green Belt impact on designated sites/landscapes.

Green Belts often are degraded 'urban fringe' landscapes capable of delivering more ecosystem services (especially landscape services and access to nature).

NPPF paragraphs:

147. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policymaking authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

150. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity, and biodiversity; or to improve damaged and derelict land.

4. TOWN CENTRE REGENERATION

***Q 9.** Should we introduce a policy that sets out the improvements to streets and spaces we want to see in the town centre?*

Natural England supports the principle of more housing in the town centre. However, policy should also make provision for transport (NPPF 108), active travel, green infrastructure, and biodiversity net gain (see Q11).

NPPF paragraphs:

180. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: a) the potential impacts of development on transport networks can be addressed; b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; c) opportunities to promote walking, cycling and public transport use are identified and pursued; d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

124. Planning policies and decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production; c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land; d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)50; and e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

***Q 11**. Are there other things the local plan should do to support local centre and town centre regeneration?*

In setting an overall strategy to guide development and allocate land the Plan should: conserve and enhance the natural environment, including landscapes and green infrastructure (GI) make as much use as possible of previously developed or 'brownfield' land allocate land with the least environmental or amenity value. It should be recognised that some previously developed land is important for biodiversity as it can contain the open mosaic habitats (dataset), a priority habitat.

Natural England launched the Green Infrastructure Framework in January 2023.
The Green Infrastructure Framework comprises:

- Green Infrastructure Principles: the why, what, and how of good green infrastructure.
- Green Infrastructure Standards: guidance on national standards for green infrastructure quantity and quality.
- Green Infrastructure Maps: mapped environmental, socio-economic datasets to support the standards.
- Green Infrastructure Planning and Design Guide: practical, evidence-based advice on how

to design good quality green infrastructure.

- Green Infrastructure Process Journeys: guides on how to apply all the products in the Green Infrastructure Framework.

Natural England strongly suggests that polices included within the Local Plan should be underpinned by a Green Infrastructure Strategy. The strategy can be used to help embed green infrastructure informed decision making across local authority departments and for sharing with external stakeholders. This can guide wider thinking and planning for green infrastructure outside of the planning system and may include retrofitting, delivery mechanisms, management, funding, monitoring, and evaluation.

The Plan should identify and pursue opportunities for securing measurable net gains for biodiversity. This should include setting a percentage target level of provision of at least 10% net gain, higher targets should be supported by evidence. The Plan should also set out the BNG strategy including:

- requirements for on-site and off-site provision
- identifying priority opportunities of strategic significance (habitats and areas) for BNG, for instance through mapping ecological networks
- advising on the metric to use to calculate gains, for example the most up to date version of Defra's Biodiversity Metric.

The Plan should also aim to achieve wider environmental gains, going beyond BNG, to include wider natural capital benefits such as improved water and air quality and recreation. Natural England's Environment Benefits from Nature tool can help identify opportunities.

7. CLIMATE CHANGE POLICIES

Q 18. *Should we show areas of the borough in which wind and/or solar energy will be supported? If so, where?*

Care should be taken when allocating land for solar or wind energy production, particularly the effects that such infrastructure can have on designated sites, wildlife sites, habitats and species such as birds and bats. Another consideration is any potential loss, either temporary or permanent, or disturbance to Best and Most Versatile Agricultural Land (BMV).

Polices should specially address soil protection or loss of best and most versatile agricultural land. We acknowledge that compared to other areas there is limited best and most versatile agricultural land in the plan area. We would still advise adding in a policy for soil protection that includes best and most versatile agricultural land, in line with the National Planning Policy Framework and the government's 25 Year Environment Plan.

The Local Plan should give appropriate weight to the roles performed by the area's soils. These should be valued as a finite multi-functional resource which underpin our wellbeing and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver, for example:

- 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

(e.g. 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.

We would advise that the plan refers to sources of Agricultural Land Classification and Best and Most Versatile mapping and data which will include but not limited to: the MAGIC (defra.gov.uk) website and Natural England. For example Agricultural Land Classification map West Midlands Region - ALC004 (naturalengland.org.uk) and Likelihood of Best and Most Versatile (BMV) Agricultural Land - Strategic scale map West Midlands Region - ALC016 (naturalengland.org.uk).

The plan should recognise that development (soil sealing) has a major and usually irreversible adverse impact on soils. Mitigation should aim to minimise soil disturbance and to retain as many ecosystem services as possible through careful soil management during the construction process. We advise that policy should support developments that enhance soils, avoid soil sealing and provide mitigation to avoid soil disturbance.

We advise that Plan policies refer to the https://www.gov.uk/government/publications/code-of-practice-for-the-sustainable-use-of-soils-on-construction-sites and that major development should have a soils management plan.

Q 21. *Should we adopt a minimum tree canopy policy for new development?*

We welcome the addition of biodiversity net gain for new developments. However, tree planting may not be appropriate for all sites, and may not in itself increase biodiversity, carbon sequestration or urban cooling, and trees can take many years to reach maturity. A variety of habitats should be considered and be appropriate to the area in which they are to be established, and/or be of similar composition to the habitat being lost to development. Where tree planting or other habitat creation is undertaken the specimens chosen must be a range of local native species, and a management plan implemented to insure their establishment.

The Plan should include policies and proposals for nature recovery. It should recognise the potential of a connected network of wildlife-rich habitats to improve biodiversity. For instance, the protection and recovery of priority species and habitats and supporting habitats outside designated sites for protected species. Consideration should be given to wider benefits such as carbon capture, flood risk management and enhanced access to nature.

The Plan should map local ecological networks, including buffers and wildlife corridors and set out policies and proposals to safeguard and enhance the network, including contributions through development where appropriate. These could draw on Local Nature Recovery Strategies where available.

Q 22*. Should we identify priority locations or allocate sites for biodiversity net gain for sites which are unable to provide all the net gain on site and, if so, where?*

The Plan should identify and pursue opportunities for securing measurable net gains for biodiversity. This should include setting a percentage target level of provision of at least 10% net gain, higher targets should be supported by evidence. The Plan should also set out the BNG strategy including:

- requirements for on-site and off-site provision
- identifying priority opportunities of strategic significance (habitats and areas) for BNG, for instance through mapping ecological networks

- advising on the metric to use to calculate gains, for example the most up to date version of Defra's Biodiversity Metric.

The Plan should also aim to achieve wider environmental gains, going beyond BNG, to include wider natural capital benefits such as improved water and air quality and recreation. Natural England's Environment Benefits from Nature tool can help identify opportunities.

The Plan should protect and enhance priority habitats and species. This should include appropriate protection and restoration of deep and shallow peatlands, found in fen and bog priority habitats that are valuable for biodiversity and as a carbon store. Other priority habitats include upland and lowland heathland, traditional orchards, meadows, woodlands, and coastal habitats.

Details can be found on the Joint Nature Conservation Committee website and on MAGIC maps (www.magic.defra.gov.uk)

***Q 23**. Would you support the creation of additional country parks as part of delivering biodiversity net gain?*

Natural England would welcome the creation of additional country parks.

The Plan evidence base should include a robust and up-to-date assessment of open space requirements and opportunities, with policies and proposals to remedy deficiencies in greenspace provision, including through land allocation.

In assessing greenspace provision, consideration should be given to the quality and accessibility of space, as well as the various uses that may need separate provision such as children's play space, opportunities for connecting with nature, formal sports areas and facilities for groups with a variety of needs.

Open space provision can use Natural England's Accessible Greenspace Standards to determine needs based on size, proximity capacity and quality.

The Plan should identify, designate and have policies to protect and enhance areas of Local Green Space that are of particular importance to local communities.

The Plan should have policies to maintain and improve access to nature and enjoyment of the countryside. Policies should be in place to protect and enhance public rights of way, access land and national trails.

Policies should provide for better connections and address unequal access to nature to support health and well-being outcomes. The design of new or improved routes should consider a range of modes of access including walking, cycling and horse riding, as well as a range of users including children and older people, different socio-economic groups and people with disabilities.

***Q 24.** Should we require developers to prioritise the delivery of biodiversity gain within close proximity to the development?*

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. It is anticipated that major development (defined in the NPPF glossary) will be required by law to deliver a biodiversity gain of at least 10% from early 2024 and that this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

Further information on the timetable for mandatory biodiversity net gain can be found here. Further information on biodiversity net gain, including draft Planning Practice Guidance, can be found here.

The statutory Biodiversity Metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites, the Small Sites Metric may be used. This is a simplified version of the Biodiversity Metric and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the Biodiversity Metric and is available as a beta test version. Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government Planning Practice Guidance for the natural environment.

***Q 27**. Are there other climate change policies we should be introducing?*

The Plan should contain policies to mitigate and adapt to climate change impacts on the natural environment.

The Plan should recognise that climate change mitigation and adaptation and biodiversity loss are interlinked. Many habitats provide essential ecosystem services to allow adaptation to climate change e.g. natural flood management, as well as mitigation e.g. through tree planting and retaining peat as a carbon store. Policies should set out appropriate nature-based solutions for climate mitigation and adaptation such as woodland or wetland creation or peatland restoration.

Policies should address water use, promoting the use of sustainable drainage systems (SuDS) and water sensitive design as part of a wider green infrastructure approach. In areas of known water constraint, plans should include policies to manage available resources, such as water efficiency or water reuse measures.

Consideration also needs to be given to the likely impacts of climate change on protected sites, habitats and species.

See the Climate Change Adaptation Manual, Carbon Storage and Sequestration by Habitat and National biodiversity climate change vulnerability model.

Q 28. *Should we require non-residential development to meet higher water efficiency standards to reduce water usage?*

Policies should address water use, promoting the use of sustainable drainage systems (SuDS) and water sensitive design as part of a wider green infrastructure approach. In areas of known water constraint, plans should include policies to manage available resources, such as water efficiency or water reuse measures. (As above).

9. LAND FOR HOUSEBUILDING

Q 33. *Please provide any comments you have on the suitability of any of the broad locations listed above for new housing. Are there any locations that we have missed?*

The strategy for allocating land for development should:

- avoid protected sites and apply the biodiversity mitigation hierarchy (NPPF 180a)
- give great weight to conserving and enhancing designated landscapes
- avoid the loss of best and most versatile agricultural land.

Selecting sites and setting design principles for their delivery should conserve and enhance the natural environment. This includes considering potential impacts and opportunities set out in the comments above, as well as the issues set out in the table below secured through planning policy.

Evidence	An appropriate evidence base should be used to support the selection of sites and inform the policies for their delivery. This should include: Landscape and Visual Impact Assessments, Landscape Sensitivity Assessments and Landscape Character Assessments. Soil surveys and mapping (Agricultural Land Classification available on Magic maps) ecological surveys, green infrastructure and biodiversity opportunity mapping.
Assessments	Site selection must also be informed by the relevant environmental assessments. These are: **Sustainability Appraisal incorporating Strategic Environmental Assessment**: it should be clear how this has informed and provided justification for the sites selected for allocation assessed against reasonable alternatives. Recommendations and findings from the assessments should also be used to inform mitigation measures and design principles for the allocated sites. **Habitats Regulations Assessment**: mitigation and avoidance measures identified through the HRA should be secured through policies in the Plan. Where mitigation or avoidance is not possible the site should not be allocated.
Environmental requirements	Plans should set requirements, opportunities and detailed design guidance for site allocations to conserve and enhance the natural environment. This should include measures secured through policy covering: **BNG:** This could include specifying whether and what BNG should be delivered on-site given the scale of development anticipated, or if off-site provision will be required. Site allocations should be supported by a baseline assessment of biodiversity value for example using the latest version of Defra's Biodiversity Metric. **GI strategy:** Allocations should set out measures to protect, enhance and improved connectivity of GI within and beyond allocation sites. Consideration

	should also be given to setting appropriate GI standards for allocation sites. **Landscape features:** Allocation policy should incorporate and enhance existing landscape features within the development This could include hedgerows, walls, ancient and veteran trees, woodland, and wildlife corridors. **Agricultural land and soils:** Allocations should be based on a detailed soils survey and have policies should secure a soil management plan. **Access**: Policies for allocations should incorporate and enhance public access to the natural environment. This includes Public Rights of Way that run through or adjacent to allocated sites, as well as linking from the site to the wider route network.

Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.

Please send all planning consultations electronically to the consultation hub at consultations@naturalengland.org.uk.

Yours sincerely

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