

Date: 15 October 2012
Our ref: 66964



Zoe James
Winchester City Council

Natural England
Consultation Service

BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Ms James,

Winchester District Local Plan Part 1, Joint Core Strategy (JCS) and Habitats Regulations Assessment (HRA)

Thank you for your email, dated 11 October 2012, in response to our additional comments regarding the above documents.

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.

Further to our comments of letter dated 12 March 2012, in response to the Winchester District Local Plan Part 1, Joint Core Strategy (Pre-Submission, January 2012) and Habitats Regulations Assessment (HRA), Natural England provides the below comments in respect of the final submission of the Joint Core Strategy and HRA for Examination in Public (EiP). Appendix One of this letter attaches the email correspondence in respect of this further advice and Natural England's conclusion that the Winchester District Joint Core Strategy can be found sound.

Natural England has the following comments in respect of your response dated 11 October 2012 (see *Appendix One*).

Points 1 and 2

We welcome and support the amendments proposed that address these points.

Point 3 (2) – Solent Disturbance Mitigation Project (SDMP)

Natural England accepts your comments in respect of this point, along with the acknowledgement of the importance of these studies for planning. We therefore welcome and support the further amendments that have been made in light of this.

Point 3 (3) – HRA Conclusion wording

Natural England welcomes the inclusion of this addendum to the HRA, which tightens the wording to its conclusions.

As a result of our initial comments to the Winchester JCS and HRA, and the further amendments detailed above addressing our concerns, Natural England is of the opinion that the **Winchester Joint Core Strategy can be found sound**.

The comments we have made in this response (and those previously to the Winchester JCS/HRA) are based on the information provided by you, and for the avoidance of doubt does not affect our obligation to advise on, and potentially object to any specific development proposal which may subsequently arise from this or later versions of the plan or programme which is the subject of this consultation, and which may have adverse effects on the environment.

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.

For any queries relating to the specific advice in this letter only please contact Stewart Coles on 0300 060 4922. 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,

Stewart Coles
Lead Adviser
Land Use Operations Team – Winchester

From: ZJames@
Sent: 11 October 2012 14:40
To: Coles, Stewart (NE)
Cc: Turner, Marc (NE)
Subject: RE: Winchester JCS and HRA - informal comments

Hi Stuart

Thank you for your informal comments. We've gone through the points you raised, and I've put our response in blue below. We are proposing amendments to the Joint Core strategy to address points 1 and 2. For point 3, we don't feel it is appropriate to make a change to the plan, and have set out our reasons why.

For your final point regarding the wording of the Appropriate Assessment; we're proposing to add an addendum to the AA to clarify the conclusions. I've attached the proposed wording we would use.

Please can you advise us on whether the amendments we're proposing would address Natural England's concerns regarding the soundness of the Winchester Joint Core Strategy?

Many thanks

Zoe

Zoë James
Planning Officer
Strategic Planning
Winchester City Council
Colebrook Street
Winchester, SO23 9LJ

www.winchester.gov.uk

From: Coles, Stewart (NE)
Sent: 05 October 2012 14:18
To: Zoe James
Cc: Turner, Marc (NE)
Subject: Winchester JCS and HRA - informal comments

Hi Zoe,

As a brief and informal summary of our conversation, I detail our outstanding points of concern below.

1. Wording throughout parts of the JCS that refer to "*Proposals should be consistent with other policies such as on design, flood risk, contamination, protection of the natural and built environment or agricultural land quality and protect areas designated for their local, national or international importance, such as Gaps and the South Downs National*". As previously stated Natural England would wish to see this amended throughout the document to include that highlighted in red or reworded accordingly. We noted it within policies MTRA1, 2, 3 and 4, and within policy CP5.

Agree – We will change the relevant policy wording to also refer to international sites. The policies we've identified that need changing are: MTRA2, 3, CP5, CP12, CP21 (I didn't pick this up in MTRA1 or 4). We will do a third track change version of the Joint Core Strategy after all statements

for the examination have been received, and these modifications will be included in that document before the examination.

2. Natural England note the reference to the assessment of the effects of air quality on designated wildlife sites in Para 3.25 of the JCS (Spatial Strategy for Winchester Town). Whilst we welcome this amendment, the JCS has not taken full account of the recommendations the HRA puts forward that '*the Council requires the monitoring of nitrogen dioxide (NO₂) at key locations within or close to strategic sites* (HRA, Section 4, Para 4.20)'. There needs to be better reference to this recommendation within the JCS, for which the Biodiversity policy would likely be the best place for this as a mean to addressing potential impacts on protected sites. It should expand on your comments to the HRA recommendations of "*The Council will seek assessments of air quality and appropriate measures at planning application stage and will impose conditions to require on-going monitoring as necessary in order to comply with the requirements of the HRA process. If the assessments show NO₂ levels are likely to reach unacceptable levels, then this should trigger further investigation, assessment and/or review of the Core Strategy if required*".

The issue raised is AQ impacts in-combination, generated by traffic, close to source (M3, M27) potentially causing eutrophication from NO₂. The HRA recognises that a 'strategic regional approach to AQ management is required'. To make sure that there is a commitment from the Council to take a strategic approach to AQ management, we propose an addition to the end of paragraph 7.29 of policy CP16 Biodiversity to clarify Council's commitment to addressing AQ.

Proposed addition to end of para 7.29:

In addition, the Habitats Regulation Assessment and Sustainability Appraisal advise that a strategic approach to air quality management is required. This is to ensure the continued protection of sites of international, European, and national importance, and local nature conservation sites given the planned level of growth. The location of air quality monitoring sites and the setting of thresholds to trigger further investigation should be determined through lower level assessments and where appropriate, be applied as a condition on planning applications.

3. HRA conclusions

Natural England remain concerned with regards to the wording of the HRA conclusions, and of two of the policy safeguards proposed as a means to help provide effective plan level mitigation.

1. The monitoring of nitrogen dioxide (NO₂) at key locations within or close to the proposed strategic sites. This has already been raised above with regards to further wording requirements within the body of the JCS. [See proposed wording above.](#)

2. Additional policy wording that supports the findings of the Solent Bird Disturbance and Mitigation Project and ensure any proposed strategic avoidance and/or mitigation measures are adopted. Natural England notes that the recommended HRA wording and location within policy CP16 (Biodiversity) itself has not been followed. We therefore seek clarification of your response to this as a recommended policy safeguard, aimed at providing effective plan level mitigation that addresses the adverse effects on the integrity of identified European sites.

The reason we haven't mentioned the SDMP specifically in the policy text is because it is not the only study that will inform the assessment of planning proposals and it is also not a finalised study at this point. The Council recognises the importance of these studies for planning and therefore has amended the wording of the Submission policy CP16 to make a more general reference to the need to take account of evidence as set out below (Submission amendments shown in purple).

Planning proposals that have the potential to affect priority habitats and/or species or sites of geological importance will be required to *take account of evidence and relevant assessments or surveys.*

3. Conclusion wording. As stated on the phone, Natural England would wish to see the wording of the HRA conclusion tightened up. If the JCS is providing sound policy safeguards and effective and robust plan level mitigation, as recommended by the HRA, you should consider the rewording of the HRA conclusion to reflect this.

We are unable to amend the wording of the Submission HRA at this stage of the process as it has now been out for consultation as part of the Submission Joint Core Strategy. We therefore propose to add an addendum to the HRA for clarification. I have attached a copy of the proposed addendum.

We would be happy to discuss any of the above points further at the appropriate time and place. Please note that this is a record of our informal discussion regarding our concerns over the JCS and HRA and not for public distribution. We will be happy to make our formal comments in due course once you have had time to respond to the above points.

Kind regards,

Stewart Coles
Lead Adviser
Land Use Operations
Natural England
Cromwell House
2nd Floor
15 Andover Road
Winchester
SO23 7BT

NB. All planning consultations to Natural England should be sent by email to: consultations@naturalengland.org.uk, or, if it is not possible to consult us electronically then consultations should be sent to: **Natural England Consultation Service, Hornbeam House, Electra Way, Crewe Business Park, Crewe, Cheshire, CW1 6GJ.**

www.naturalengland.org.uk

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.



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