

Date: 25 April 2023
Our ref: 428352
Your ref: 23/00330/OUT



Hinkley and Bosworth Borough Council

BY EMAIL ONLY

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

T 0300 060 3900

Dear Christopher Brown

Planning consultation: Earl Shilton Sustainable Urban Extension (SUE) Application A
Location: Mill Lane, Earl Shilton, Leicestershire

Thank you for your consultation on the above dated 26 April 2023 which was received by Natural England on 05 April 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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Natural England recognise this application as Application A for the Earl Hilton SUE, with Application B having been submitted in 2021 (21/01511/OUT) and responded to by NE on 9th March 2022.

Further Advice

Surface Water Drainage

The development site lies within the surface water catchment of Narborough Bog SSSI, which lies approx. 6.8km from the site. As such any pollutants which are introduced to the water environment may find their way to the SSSI and cause an adverse effect.

The proposal includes the use of SuDS which, where designed appropriately, should prevent this possible impact. At present, the detailed design of the SuDS is not available, however, the outline drainage strategy includes the use of a series of swales, ponds and attenuation basins. Natural England consider that the scheme is likely to be appropriate in preventing an impact on the SSSI downstream. Nonetheless, we recommend a condition is applied to ensure the detailed design of the SuDS includes provision for protecting water quality.

Whilst we have no objection to the surface water drainage plans, there is scope to implement additional treatment components, for example rainwater harvesting, infiltration (where site conditions allow) and green roofs/walls.

We also advise that all SuDS should have a monitoring and maintenance plan in place to ensure their functionality in perpetuity.

Biodiversity Net Gain

Natural England acknowledge that the development intends to create a net gain in biodiversity; it is stated within Table 7.2 that 'standalone biodiversity net gain calculations have been undertaken on the proposed development'. However, we cannot find these calculations within the planning portal. We note there is a BNG assessment uploaded relating to Application B for the site (21/01511/OUT), but cannot find one for the area relevant for this application (A).

We would expect the assessment to show at least 10% gains in each of the relevant habitat, hedgerow and river categories.

District Level Licencing for Great Crested Newts

Natural England note that the development lies within an area which has an active District Level Licensing scheme. Where a licence may be required for great crested newt, DLL provides a quicker, simpler licensing approach. Some advantages of the DLL scheme include:

- **Speed:** On average, obtaining a DLL brings a time saving of 77 days compared to mitigation licencing.
- **Simplicity:** DLL does not require extensive on-site survey or mitigation measures by the developer, hence the licencing process is much more streamlined than mitigation licencing.
- **Efficiency of conservation:** 85% of the developer's investment goes directly towards habitat creation/restoration, compared to approximately 16% under mitigation licencing.

Please see [this link](#) for further information on how to join a district level licensing scheme to manage great crested newt (GCN) populations if you are developing land in certain parts of England.

Best and Most Versatile Agricultural Land or Minerals and Waste reclamation

Although we consider that this proposal falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, Natural England draws your Authority's attention to the following agricultural land quality and soil considerations:

1. Based on the information provided with the planning application, it appears that the proposed development comprises approximately 65.37ha of agricultural land, including 37.68ha classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system). The site also includes an areas of unsurveyed agricultural land; this has been assumed to be BMV land so as to take a precautionary approach.

Please note, that as outside our statutory remit, submitted ALC data has not been checked.

The British Society of Soil Science have published the Guidance Note [Assessing Agricultural Land Classification \(ALC\)](#) and we strongly recommend this is followed to validate an ALC survey.

2. National Planning policy relevant to agricultural land and soils is set out in paragraph 174 of the National Planning Policy Framework which states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

protecting and enhancing [...] soils (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

3. Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food.

In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil resource is able to retain as many of its important functions as possible. This can be achieved through careful soil management and appropriate, beneficial soil re-use, with consideration on how any adverse impacts on soils can be avoided or minimised.

4. Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled. Sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through appropriate site design/masterplan/Green Infrastructure. We welcome the intention to create a Soil Management Plan as part of the CEMP for the development, which will form a condition of the proposed development. Defra has published a [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#) which may be helpful when setting planning conditions for development sites. We welcome the use of this document, along with [MAFF Good Practice for handling soils](#). They provide advice on the use and protection of soil in construction projects, including the movement and management of soil resources, which we strongly recommend is followed; hence welcome the intention that these will be incorporated into the soil management plan.

The British Society of Soil Science has published the Guidance Note [Benefitting from Soil Management in Development and Construction](#) which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed. Any further measures identified should be incorporated into the development and/or soil management plan in order to minimise as far as possible the impacts to soils/BMV land from the development.

Green & Blue Infrastructure

Natural England note that the design of the development is in line with the Building for a Healthy Life (BHL) toolkit, which includes a design objective for Green and Blue Infrastructure. Natural England have no objections to the development with regard to Green Infrastructure.

Even so, since our previous consultation response on application B, Natural England's Green Infrastructure (GI) Framework¹ has been released, following a commitment by the Government to produce stronger GI in the 25 Year Environment Plan². Ideally the framework would be applied to development from the outset; as such in this instance retrospective use of the framework may not be suitable. Nonetheless, we would like to draw your attention to it at this stage.

Natural England's GI Framework consists of 15 principles, 5 headline standards, design guides, process journeys and a mapping system. The headline Green Infrastructure Standards are:

1- Green Infrastructure Strategy Standard

- This standards sets out that each major new development has a Green Infrastructure

¹ <https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Home.aspx>

² <https://www.gov.uk/government/publications/25-year-environment-plan>

Plan (which may be part of a Design and Access Statement) setting out how the development will deliver the Green Infrastructure Framework's 15 Green Infrastructure Principles and the Green Infrastructure Standards as set out in local green infrastructure policies, proposals and development requirements in development plans and local design codes. The green infrastructure delivered within (or associated with) major new developments should be managed, maintained and monitored for a minimum of 30 years.

2- Accessible Green Space Standards

- This standard sets out that for all major residential developments, the local authority specifies to the developer the quantity, size and distance criteria (see Appendix 2³) for any accessible greenspace to be provided within/ associated with the development, based on the Accessible Greenspace Standards.
- Accessible Greenspace Standards – capacity criteria: All major residential development is designed to meet capacity targets (hectares of accessible greenspace per 1,000 population), specified by the local planning authority.
- Accessible Greenspace Standards – quality criteria: Accessible greenspace meets the Green Flag Award Criteria, (Ellicott, 2016) and best practice in accessibility for all: By All Reasonable Means: Least restrictive access to the outdoors (The Sensory Trust, 2020) in major new developments.

3- Urban Nature Recovery Standard

- This standard sets out that the developer must identify in the Green Infrastructure Plan for the development (or in the Design and Access Statement, as appropriate), its contribution to nature recovery and the creation and restoration of wildlife rich habitats, which can contribute to the delivery of local nature recovery objectives, including the potential for creation or enhancement of Local Nature Reserves or Local Wildlife Sites.

4- Urban Greening Factor

- This standard sets out that major development should meet National Urban Greening Factors of at least 0.3 for commercial development, 0.4 for residential development, (and, where appropriate, 0.5 for residential greenfield development). ([User Guide etc](#), Natural England, 2023a-e).

5- Urban Tree Canopy Cover Standard

- This standard sets out that in order to meet an agreed percentage of urban tree canopy cover in the local authority:
 - o Major residential and commercial development should be designed to meet specified targets
 - o New and existing trees are incorporated into new developments and new streets are tree lined (in line with NPPF requirements)

Process Journey & Design Guide

The framework also includes a 'Process Journey' and 'Design Guide'. The Process Journey for Developers⁴ should be beneficial for applicants in ensuring they can design a GI strategy that addresses local needs and responds to local opportunities. The Design Guide⁵ will show how to

³

<https://designatedsites.naturalengland.org.uk/GreenInfrastructure/downloads/Green%20Infrastructure%20Standards%20for%20England%20Summary%20v1.1.pdf>

⁴

<https://designatedsites.naturalengland.org.uk/GreenInfrastructure/downloads/Developers%20and%20Design%20Teams%20Process%20Journey.pdf>

⁵ <https://designatedsites.naturalengland.org.uk/GreenInfrastructure/DesignGuide.aspx>

apply the GI Framework to design as well as how it can work alongside Biodiversity Net Gain and Local Nature Recovery Strategies. It can also signpost case studies that illustrate how to incorporate the principles.

Mapping Database

The Green Infrastructure Mapping System⁶ is designed to provide technical evidence on the Green Infrastructure of England.

At this development site the mapping system identifies a lack of provision for doorstep, local and neighbourhood green space. Adequate provision of these spaces is a government target in the Environment Improvement Plan⁷ that aims to provide everyone with access to a suitable green space. It also highlights that the Index of Multiple Deprivation (IMD) for the site and surrounds is high, further emphasising the need for high quality green infrastructure to be included.

Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me on 07767556842

Yours sincerely

Robbie Clarey
Lead Adviser – East Midlands Area Delivery

⁶ <https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Map.aspx>

⁷ <https://www.gov.uk/government/publications/environmental-improvement-plan>

Annex A – Additional Advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the [National Planning Policy Framework](#) (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)⁸ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)⁹. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

⁸ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

⁹ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.0](#) may 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 [Biodiversity Metric 3.0](#) and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

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 [Biodiversity Metric 3.0](#) and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. 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 delivered

where appropriate.

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

Paragraphs 100 and 174 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. 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.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).