

Matter 12 – The Natural Environment (Policies E3, E6, E7)

Issue 1 – The Natural Environment - Policy E3

- Q1. Is Policy E3 consistent with paragraph 171 of the Framework, which states that, amongst other things, plans should distinguish between the hierarchy of international, national and locally designated sites and allocate land with the least environmental or amenity value?**

Council's response

Yes, Policy E3 identifies the biodiversity hierarchy and considers each level of the hierarchy accordingly. Indeed the need to protect and enhance the natural environment is included within the Local Plan's vision and actions/outcomes, and features within several of the Local Plan's policies, particularly within Chapter 6 - Supporting a High Quality Environment.

The findings from Habitat Regulations Assessment and biodiversity issues were considered in the Sustainability Appraisal when allocating sites.

- Q2. Is the Local Plan consistent with paragraph 174 of the Framework which requires plans to identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks?**

Council's response

Wildlife-rich habitats and Green Infrastructure Corridors are mapped on the Policies Map. References to the North Yorkshire and York Local Nature Partnership Strategy in both policies E3 and E4 illustrate a strategy relating to larger scale natural capital enhancement.

- Q3. Is Policy E4 consistent with the approach set out in criteria (a) to (e) in paragraph 175 of the Framework? Is the policy justified, clear and effective?**

Council's response

Yes, the Council considers policy E4 to be consistent with paragraph 175 of the Framework.

Issue 2 – Landscapes - Policies E6 and E7

- Q1. Are Policies E6 and E7 consistent with paragraph 172 of the Framework which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues?**

Council's response

The Council considers policies E6 and E7 to be consistent with paragraph

172 of the Framework.

Policy E6 is considered to be positively prepared in that it sets out support for small scale development where it is compatible with the management plans for the two areas of outstanding natural beauty.

Q2. Is it clear to decision makers, developers and local communities how the Council will define 'small scale' and 'major' development for the purposes of Policy E6?

Council's response

Small scale and major scale development are defined in the glossary:

Small scale: For residential development up to 5 homes and for retail development up to 200m² (gross floor area).

Major scale development: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Q3. What is the justification for requiring development proposals to be compatible with the 'relevant AONB management plans' in Policy E6? Do they form part of the development plan for the area?

Council's response

The Howardian Hills and the Nidderdale AONBs fall within the district's administrative boundaries. The Council has fulfilled its legal duties to formally adopt the respective management plans for these areas.

Whilst these management plans are considered independent to the Local Plan, these plans are integral to the development management process and are material considerations to the decision making process.

Q4. Are the areas of important open space referred to in Policy E7 shown on the policies maps for the area?

Council's response

Yes, the Hambleton Settlement Character Study (SD28) describes how the assessment has identified a number of potential green space designations for the communities. On the Policies maps identifies these spaces as local green spaces.

Q5. What is the justification for protecting areas of important open space? How have they been defined and are they justified?

Council's response

The Hambleton Settlement Character Study (SD28) and the Local Green Space Assessment combined report (SD25) have been prepared in conjunction with the local communities.

The Hambleton Settlement Character Study (SD28) carried out a four stages of preparation which focused on engaging with local communities and the Parish Councils. Whereas Section 2 in the Local Green Space Assessment combined report (SD25) clearly sets out the methodology and each open space nominated by the community have been assessed against the NPPF criteria.

The local communities have been involved throughout the process and consulted at every stage in the assessment process. The Council therefore considers its approach to be justifiable.

Q6. Is the requirement for 'new large native trees' to form part of any replanting scheme justified in Policy E7(j)?

(Note the terminology appears in E7g.)

Council's response

The Council has taken the decision to add the word "large" because experience has shown through the development management process that the term 'native trees' is frequently interpreted as small trees.

The planting of 'native' species will provide greatest benefits to biodiversity particularly if the tree stock is of local provenance.

It is not expected that the planting of 'new large native trees' will always be required or always be appropriate. If the scheme for replanting follows the removal of only a small hedgerow it may be appropriate that the replanting is of a hedge without trees.

Where trees can grow to be large at maturity they will create the most impact and likely to achieve the greatest benefit in landscape terms

The size of the tree at the time of planting should be judged with regard to the vulnerability of the setting.

Often small trees when planted in new development sites can be vulnerable to damage and breakage because of their size. It is the Council's view based on practical experience that the planting of bigger trees within protective fencing or low landscaping of shrubs would increase the chance of trees surviving, therefore making a valuable contribution to the landscaping and biodiversity on site.

In locations away from people smaller trees may be more appropriate as they need less management input to thrive.