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BY EMAIL ONLY

Dear Sir/Madam,

Consultation: Island Planning Strategy – Local Plan Regulation 19 Consultation Request

Thank you for your consultation on the above dated 08 July 2024. This letter constitutes Natural England's advice with regard to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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.

On the 26th October 2021 we shared our Regulation 18 advice (our ref: 365781). We welcome that much of our earlier advice has been incorporated into the plan. Natural England has focused our advice in this Regulation 19 response on the Island Planning Strategy Habitats Regulations Assessment. We are not objecting to the Plan or recommending that the Plan is found unsound, but we do offer detailed comments on aspects of the Habitats Regulations Assessment. Further general advice can be found in Annex 1 and 2 of this letter.

1 KPS1: Former Camp Hill HA39

The camp hill allocation has been reduced from 1,200 new homes to around 750 homes. The allocation lies directly adjacent to the Parkhurst Forest Site of Special Scientific Interest (SSSI), which is designated for extensive areas of acid sessile oak, beech and ash-hazel-pedunculate oak woodland interspersed with conifer plantations. Natural England understand it is already suffering from impacts to the condition of the habitat as a result of recreational pressure and faces challenges with managing the visitor infrastructure.

Natural England has concerns that this development allocation might cause irreparable damage to the ancient woodland habitat here and the species it supports. Natural England would encourage the LPA and scheme promoters/developers/planning applicants etc to involve us in discussions in the design of the scheme as soon as possible in order to best avoid or mitigate any potential impacts to the site.

While we welcome that the policy has been reduced in its scale of housing, our previous comments at Regulation 18 consultation have not been fully incorporated. There is no reference to; its status as a Site of Special Scientific Interest, the rare species it supports or the potential impacts arising from the allocation.

Protected Species

The SSSI supports a number of legally Protected Species such as Dormice, Red Squirrel and a diverse bat community. Natural England understand that there has been extensive survey and research effort of the bat populations within Parkhurst Forest. It is understood that the SSSI supports some of the largest bat maternity roosts in the entire country. The adjacent farmscape is likely a vital foraging habitat with a high burden of invertebrate food sources for the bat populations. The connectivity of the landscape and the flightlines used by the bats are not currently well-understood. The development proposals could have significant impacts on these bat flightlines and foraging habitats. Great consideration should also be given to the potential impacts from artificial lighting in the area. It is vital that there is a concerted effort to understand the needs of the bat populations here and to ensure that any impacts are avoided. The site may also act as a metapopulation source and impacts here may have significant harm on the wider metapopulation.

Recreational Impacts

Increased footfall and recreation can cause direct impacts through; dog eutrophication, vegetation trampling, path/soil compaction, creation of informal access points and the fragmentation of habitats. The size of the proposal means it would likely lead to an increase in visitor pressure and discussions should be had with Forestry England, as the site managers, in order to ascertain whether or not this visitor pressure might alter their management plans or ability to carry out their responsibilities under the Wildlife and Countryside Act 1981 (as amended). An aspiration for the management of the SSSI is to reintroduce grazing and restore the historic pasture woodland features.

The woodland may also be subject to 'urban fringe' impacts such as increased fire risk, vandalism, pet predation, garden dumping and boundary encroachment. Great consideration should be given to the design and layout of the development proposals in order to minimise any of these impacts.

We welcome that the reduced scale of the allocation is likely to reduce the expected level of recreational pressure or damage which occurs to Parkhurst Forest SSSI, but highlight that careful consideration of this impact is required as the project progresses.

'Landscape' Buffer

The Policy wording identifies the need for a 'landscape' buffer. Given the scale of the development, the ecological value of Parkhurst Forest and the sensitivity of the Interest Features and protected species it supports, Natural England would encourage the design of a *significant* buffer between any built environment and the habitat. Some of the best examples of woodland buffers for neighbouring developments have been secured at a distance of up to 100m. A large portion of the buffer should provide ecological benefit/resilience, usually in the form of a naturally regenerating ecotone. We welcome that there is a mention of the buffer potentially being utilised for ecological purposes, but advise that the ecology should be a key focus of the buffer.

Hydrological Impacts

The proposal should consider any potential hydrological impacts to the SSSI. Woodland features can be vulnerable to changes in hydrological regimes. Policy point (m) references surface water run-off and flood risk which can be important considerations of hydrological impacts, but other factors such as groundwater supply should also be considered.

2 Habitats Regulations Assessment

Broadly speaking, Natural England have no formal objections to the conclusions of the Habitats Regulations Assessment, but we raise some points of procedure and clarification to ensure the supporting evidence is robust as possible.

Direct Loss – Solent and Southampton Water SPA

Allocation HA120 considers impacts in section 5.10 of the HRA. This has been incorrectly included as an assessment of impacts on the Solent and Southampton Water SPA. The allocation does not propose direct loss to the Solent and Southampton Water SPA.

Air Quality – Briddlesford Copses SAC

The HRA screens air quality impacts to Briddlesford Copses SAC into appropriate assessment. The proposed mitigation for air quality impacts are policies T1, T2 and T5. These are intended to encourage the reduction and use of sustainable transport and minimise impacts from vehicle emissions, but are unlikely to meet the required criteria for mitigation in line with the Conservation of Species and Habitats Regulations 2017 (the Habitats Regulations). Appropriate assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned.

Natural England have previously agreed that the impacts highlighted in the Air Quality Assessment are minor and unlikely to impact the qualifying features of Briddlesford Copses SAC. This advice should either be incorporated into the Screening stage of the HRA, or more certain mitigation measures need to be provided to support the conclusion of No Adverse Effect on Integrity.

Recreational Pressure – Isle of Wight Downs SAC

Natural England have previously highlighted that the chalk grassland habitats of the Isle of Wight Downs SAC are subject to high levels of recreational pressure and additional housing allocations have the potential to pose a likely significant effect on the SAC. The plan has only allocated 757 new homes dwellings within a 7km zone of influence.

The HRA proposes mitigation in the form of ongoing site management by the National Trust and the provision/management of open space or green infrastructure aimed at attracting groups of visitors who would otherwise visit the SAC. Additionally, policy EV2 and future project-level HRA's offer an additional opportunity to assess impacts.

Given the low level of proposed new dwellings within the SAC Zone of Influence Natural England advise the risk of significant effects here are low. However, the suggestion that the current management practices from the National Trust can act as mitigation is not appropriate. Either ongoing current management is secured and the site has capacity for new visitor pressure, thus the site should be screened out of appropriate assessment. Or specific funding/developer contributions could be provided to the land manager in order to deliver access management projects to mitigate or avoid any additional visitor pressure.

An additional proposed mitigation measure is Policy EV6 and the suggestion that provision of new greenspace to deter visits to the SAC. Provision of Suitable Alternative Natural Greenspace (SANG) is a valuable tool for avoiding visitor pressure on designated sites. However, as part of this HRA there is very little information provided about the delivery of SANG. Project-level HRA in line with policy EV2 does offer the opportunity to examine this issue in more detail.

In summary, the proposed mitigation measures are uncertain to succeed, but as the risks are low and compliance with the over-arching Policy EV2 at a project level would prevent recreational impacts on the SAC, Natural England do not necessarily disagree with the conclusion in 5.93 of the HRA.

Recreational Pressure – Solent SPAs

The Plan HRA and Policy EV3 adequately consider potential in-combination effects arising from recreational pressure. There is room to improve the clarity relating to alone impact from new development. Alone impact is not well covered in the HRA, but the wording of Policy EV3 does reference the potential requirement for alone mitigation in the form of SANGs in paragraph 4.36. Paragraphs 4.40 to 4.43 (Policy EV3) provide further information on SANG requirements which we welcome and agree with.

If possible, we would recommend that the wording of the policy summary is tweaked to refer to potential alone impacts. This summary refers to the requirements of the Bird Aware Strategy, but this strategy is focused on dealing only with in-combination impacts.

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

Yours faithfully,

Jonathan Shavelar
Senior Officer
Thames Solent Team

Annex 1 - Natural England's Local Plan Advice

Biodiversity and Geodiversity

The Plan should set out a strategic approach, planning positively for the creation, protection, enhancement and management of networks of biodiversity. There should be consideration of geodiversity conservation in terms of any geological sites and features in the wider environment.

A strategic approach for networks of biodiversity should support a similar approach for green infrastructure (outlined below). Planning policies and decisions should contribute and enhance the natural and local environment, as outlined in para 180 of the NPPF. Plans should set out the approach to delivering net gains for biodiversity. Net gain for biodiversity should be considered for all aspects of the plan and development types, including transport proposals, housing and community infrastructure.

Priority habitats, ecological networks and priority and/or legally protected species populations

The Local Plan should be underpinned by up-to-date environmental evidence. This should include an assessment of existing and potential components of local ecological networks. This assessment should inform the Sustainability Appraisal, ensure that land of least environment value is chosen for development, and that the mitigation hierarchy is followed and inform opportunities for enhancement as well as development requirements for particular sites.

Priority habitats and species are those listed under Section 41 of the Natural Environment and Rural Communities Act, 2006 and UK Biodiversity Action Plan (UK BAP). Further information is available here: [Habitats and species of principal importance in England](#). Local Biodiversity Action Plans (LBAPs) identify the local action needed to deliver UK targets for habitats and species. They also identify targets for other habitats and species of local importance and can provide a useful blueprint for biodiversity enhancement in any particular area.

Protected species are those species protected under domestic or European law. Further information can be found here [Standing advice for protected species](#). Sites containing watercourses, old buildings, significant hedgerows and substantial trees are possible habitats for protected species.

Ecological networks are coherent systems of natural habitats organised across whole landscapes so as to maintain ecological functions. A key principle is to maintain connectivity - to enable free movement and dispersal of wildlife e.g., badger routes, river corridors for the migration of fish and staging posts for migratory birds. Local ecological networks will form a key part of the wider Nature Recovery Network proposed in the 25 Year Environment Plan. Where development is proposed, opportunities should be explored to contribute to the enhancement of ecological networks.

Planning positively for ecological networks will also contribute towards a strategic approach for the creation, protection, enhancement and management of green infrastructure, as identified in paragraph 181 of the NPPF.

Soil, Agricultural Land Quality and Reclamation

The Minerals and Waste 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 underpins 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:

1. Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for instance as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably. The [Natural Environment White Paper](#) (NEWP) 'The Natural Choice: securing the value of nature' (Defra, June 2011), emphasises the importance of natural resource protection, including the conservation and sustainable management of soils, for example:
 - A Vision for Nature: 'We must protect the essentials of life: our air, biodiversity, soils and water, so that they can continue to provide us with the services on which we rely' (paragraph 2.5).
 - Safeguarding our Soils: 'Soil is essential for achieving a range of important ecosystem services and functions, including food production, carbon storage and climate regulation, water filtration, flood management and support for biodiversity and wildlife' (paragraph 2.60).
 - 'Protect 'best and most versatile' agricultural land' (paragraph 2.35).
2. The conservation and sustainable management of soils also is reflected in the [National Planning Policy Framework](#) (NPPF), particularly in paragraph 180. When planning authorities are considering land use change, the permanency of the impact on soils is an important consideration. Particular care over planned changes to the most potentially productive soil is needed, for the ecosystem services it supports including its role in agriculture and food production. Plan policies should therefore take account of the impact on land and soil resources and the wide range of vital functions (ecosystem services) they provide in line with paragraph 180 of the NPPF, for example to:
 - 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.
3. To assist in understanding agricultural land quality within the plan area and to safeguard 'best and most versatile' agricultural land in line with paragraph 180 of the National Planning Policy Framework, strategic scale Agricultural Land Classification (ALC) Maps are available. Natural England also has an archive of more detailed ALC surveys for selected locations. Both these types of data can be supplied digitally free of charge by contacting Natural England. Some of this data is also available on the www.magic.gov.uk website. The planning authority should ensure that sufficient site specific ALC survey data is available to inform decision making. For example, where no reliable information was available, it would be reasonable to expect that developers should commission a new ALC survey, for any sites they wished to put forward for consideration in the Local Plan.

General mapped information on soil types is available as 'Soilscapes' on the www.magic.gov.uk and also from the LandIS website <http://www.landis.org.uk/index.cfm> which contains more information about obtaining soil data.

Further guidance for protecting soils (irrespective of their ALC grading) both during and following development is available in Defra's [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), to assist the construction sector in the better protection of the soil resources with which they work, and in doing so minimise the risk of environmental harm such as excessive run-off and flooding. The aim is to achieve positive outcomes such as cost savings, successful landscaping and enhanced amenity whilst maintaining a healthy natural environment, and we would advise that the Code be referred to where relevant in the development plan.

All of the allocated sites contain BMV agricultural land. In line with the Planning Practice Guidance (PPG) to support the NPPF; we welcome that the allocated sites are all accompanied by a detailed ALC Survey (Post-1988), available on the [magic](#) website. Where minerals underlie BMV agricultural land, it is particularly important that restoration and aftercare preserve the long-term potential of the land as a national, high-quality resource. Where alternative after-uses (such as forestry and some forms of amenity, including nature conservation) are proposed on BMV agricultural land, the methods used in restoration and aftercare should enable the land to retain its longer-term agricultural capability, thus remaining a high-quality resource for the future.

Reclamation to non-agricultural uses does not mean that there can be any reduced commitment to high standards in the reclamation. Such reclamations require equal commitment by mineral operators, mineral planning authorities and any other parties involved to achieve high standards of implementation.

Sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through provision of suitable soil handling and management advice. The planning authority should ensure that sufficient site-specific soil survey data is available to inform decision making. To include, for example, assessment of soil properties to inform appropriate soil management, restoration and drainage, where required.

The [25 Year Environment Plan](#) (25YEP) sets out government action to help the natural world regain and retain good health, including highlighting the need to:

- protect the best agricultural land.
- put a value on [natural capital](#), including healthy soil.
- ensure all soils are managed sustainably by 2030.
- restore and protect peatland.

Biodiversity Net Gain

Embedding biodiversity net gain

It is highly recommended that the Local Plan Update incorporates a policy for biodiversity net gain. Biodiversity net gain is a key tool to help nature's recovery and is also fundamental to health and wellbeing as well as creating attractive and sustainable places to live and work in. The NPPF highlights the role of policies and decision making to minimise impacts and provide net gains for biodiversity (para 180).

Planning Practice Guidance describes net gain as an 'approach to development that leaves the natural environment in a measurably better state than it was beforehand' and applies to both biodiversity net gain and wider environmental net gains. For biodiversity net gain, Natural England's [statutory metric](#), can be used to measure gains and losses to biodiversity resulting from development. We advise you to use this metric to implement development plan policies on biodiversity net gain. Any action, as a result of development, that creates or enhances habitat features can be measured using the metric and as a result count towards biodiversity net gain.

The Chartered Institute of Ecology and Environmental Management, along with partners, has developed '[good practice principles](#)' for biodiversity net gain, which can assist plan-making authorities in gathering evidence and developing policy.

The following may also be useful considerations in developing plan policies:

- Use of a map within the plan. Mapping biodiversity assets and opportunity areas ensures compliance with national planning policy and helps to clearly demonstrate the relationship between development sites and opportunities for biodiversity net gain.
- Use of a biodiversity net gain target. Any target should be achievable, and evidence based

and may be best placed in lower tier documents or a Supplementary Planning Document, or similar, to allow for regular updates in line with policy and legislation.

- Consideration should be given to thresholds for different development types, locations or scales of development proposals and the justification for this. Setting out the scope and scale of expected biodiversity net gains within Infrastructure Delivery Plans can help net gain to be factored into viability appraisals and land values. Natural England considers that all development, even small-scale proposals, can make a contribution to biodiversity. Your authority may wish to refer to Technical Note 2 of the [CIEEM guide](#) which provide useful advice on how to incorporate biodiversity net gain into small scale developments.
- Policy should set out how biodiversity net gain will be delivered and managed and the priorities for habitat creation or enhancement in different parts of the plan area. The plan policy should set out the approach to onsite and offsite delivery. Natural England advises that on-site provision should be preferred as it helps to provide gains close to where a loss may have taken place. Off-site contributions may, however, be required due to limitations on-site or where this best meets wider biodiversity objectives set in the development plan. Further detail could be set out in a supplementary planning document.
- The policy could also usefully link to any complementary strategies or objectives in the plan, such as green infrastructure and Local Nature Recovery Strategies.

Wider environmental gains

Natural England focusses our advice on embedding biodiversity net gain in development plans, since the approach is better developed than for wider environmental gains. However, your authority should consider the requirements of the NPPF (paragraph 180, 185 and 186) and seek opportunities for wider environmental net gain wherever possible. This can be achieved by considering how policies and proposed allocations can contribute to wider environment enhancement, help adapt to the impacts of climate change and/or take forward elements of existing green infrastructure, open space or biodiversity strategies. Opportunities for environmental gains, including nature-based solutions to help adapt to climate change, might include:

- Identifying opportunities for new multi-functional green and blue infrastructure.
- Managing existing and new public spaces to be more wildlife friendly (e.g., by sowing wild flower strips, changing cutting regime of open spaces and road verges*) and climate resilient
- Planting trees, including street trees, characteristic to the local area to make a positive contribution to the local landscape.
- Improving access and links to existing greenspace, identifying improvements to the existing public right of way network or extending the network to create missing footpath or cycleway links.
- Restoring neglected environmental features (e.g., a hedgerow or stone wall or clearing away an eyesore).
- Designing a scheme to encourage wildlife, for example by ensuring lighting does not pollute areas of open space or existing habitats

*Please see this [paper](#) regarding cost-effective and low-maintenance management for species-rich grassland on road verges and the value it can contribute to biodiversity and ecosystem services

Any habitat creation and/or enhancement as a result of the above may also deliver a measurable biodiversity net gain.

Evidence gathering

Existing environmental evidence can be gathered from various sources including online data sources like [MAGIC](#), the [Hampshire Biodiversity Information Centre](#) (HBIC), and strategies for green infrastructure, open space provision, landscape character, climate and ecosystem services and biodiversity opportunity mapping. We advise that reference is made to the **Hampshire Ecological**

Network Mapping dataset – this comprises the Local Ecological Network mapping for Hampshire, prepared by HBIC. The network comprises statutory designations, non-statutory designated sites, ancient woodlands, and other non-designated priority habitat, and other ecological features such as undesignated water bodies. Usefully, the Hampshire network mapping also identifies areas where there is the greatest potential to enhance the network, referred to as the network opportunities layer, based on habitat suitability indices. This can be useful where deciding where to create or enhance habitat.

Biodiversity data can also be obtained from developments that were subject to Environmental Impact Assessment (EIA) Monitoring, the discharge of conditions or monitoring information from legal agreements with a biodiversity element. This can help establish a baseline to understand what assets exist and how they may relate to wider objectives in the plan area. Cross boundary environmental opportunities can also be considered by working with neighbouring authorities, local nature partnership and/or the local enterprise partnership. The relationship between environmental assets and key strategic growth areas may help to highlight potential opportunities that development could bring for the natural environment. The following may also be useful when considering biodiversity priorities in your plan area:

- What biodiversity currently exists, what is vulnerable or declining?
- How are existing assets connected, are there opportunities to fill gaps and improve connectivity?
- How does the above relate to neighbouring authority areas, can you work collaboratively to improve links between assets or take strategic approaches to address issues or opportunities?

Applying the mitigation hierarchy

The plan's approach to biodiversity net gain should be compliant with the mitigation hierarchy, as outlined in paragraph 185 of the NPPF. The policy should ensure that biodiversity net gain is not applied to irreplaceable habitats and should also make clear that any mitigation and/or compensation requirements for European sites should be dealt with **separately** from biodiversity net gain provision.

Policies and decisions should first consider options to avoid adverse impacts on biodiversity from occurring. When avoidance is not possible impacts should be mitigated and finally, if there is no alternative, compensation provided for any remaining impacts. Biodiversity net gain should be additional to any habitat creation required to mitigate or compensate for impacts. It is also important to note that net gains can be delivered even if there are no losses through development.

The policy for net gain, or its supporting text, should highlight how losses and gains will be measured. The [statutory metric](#) can be used for this purpose as a fully tested metric that will ensure consistency across the plan-area, and we would encourage its use. Alternatively, your authority may choose to develop a bespoke metric, provided this is evidenced based.

The following may also be useful considerations in developing plan policies:

- Use of a map within the plan. Mapping biodiversity assets and opportunity areas ensures compliance with national planning policy and also helps to clearly demonstrate the relationship between development sites and opportunities for biodiversity net gain.
- ***NB: The Hampshire Ecological Network Mapping dataset would be ideally placed to provide this evidence base.***
- Use of a biodiversity net gain target. Any target should be achievable, and evidence based and may be best placed in lower tier documents or a Supplementary Planning Document, to allow for regular updates in line with policy and legislation.
- Consideration should be given to thresholds for different development types, locations or scales of development proposals and the justification for this. Setting out the scope and scale of expected biodiversity net gains within Infrastructure Delivery Plans can help net gain

to be factored into viability appraisals and land values. Natural England considers that all development, even small-scale proposals, can make a contribution to biodiversity. Your authority may wish to refer to Technical Note 2 of the CIEEM guide which provide useful advice on how to incorporate biodiversity net gain into small scale developments.

- Policy should set out how biodiversity net gain will be delivered and managed and the priorities for habitat creation or enhancement in different parts of the plan area. The plan policy should set out the approach to onsite and offsite delivery. Natural England advises that on-site provision should be preferred as it helps to provide gains close to where a loss may have taken place. Off-site contributions may, however, be required due to limitations on-site or where this best meets wider biodiversity objectives set in the development plan. Further detail could be set out in a supplementary planning document.
- The policy could also usefully link to any complementary strategies or objectives in the plan, such as green infrastructure.

Monitoring

Your plan should include requirements to monitor biodiversity net gain. This should include indicators to demonstrate the amount and type of gain provided through development. The indicators should be as specific as possible to help build an evidence base to take forward for future reviews of the plan, for example the total number and type of biodiversity units created, the number of developments achieving biodiversity net gains and a record of on-site and off-site contributions.

LPAs should work with local partners, including the Local Environmental Record Centre and wildlife trusts, to share data and consider requirements for long term habitat monitoring. Monitoring requirements should be clear on what is expected from landowners who may be delivering biodiversity net gains on behalf of developers. This will be particularly important for strategic housing allocations and providing as much up-front information on monitoring will help to streamline the project stage.

Water Quality and Resources and Flood Risk Management

Natural England expects the Plan to consider the strategic impacts on water quality and resources as outlined in paragraph 180 of the NPPF. We would also expect the plan to address flood risk management in line with the paragraphs 166 and 167 of the NPPF.

The Plan should be based on an up-to-date evidence base on the water environment and as such the relevant River Basin Management Plans should inform the development proposed in the Plan. These Plans implement the EU Water Framework Directive and outline the main issues for the water environment and the actions needed to tackle them. Competent Authorities must in exercising their functions, have regard to these plans.

The Local Plan should contain policies which protect habitats from water related impacts and where appropriate seek enhancement. Priority for enhancements should be focussed on European sites, SSSIs and local sites which contribute to a wider ecological network.

Plans should positively contribute to reducing flood risk by working with natural processes and where possible use Green Infrastructure policies and the provision of SUDs to achieve this.

Tranquillity

The Local Plan should identify relevant areas of tranquillity and provide appropriate policy protection to such areas as identified in paragraph 106 and 191 of the NPPF.

Tranquillity is an important landscape attribute in certain areas e.g. within National Parks/ AONBs/National Landscapes, particularly where this is identified as a special quality. The CPRE have mapped areas of tranquillity which are available [here](#) and are a helpful source of evidence for the Local Plan and SEA/SA.

Agri-environment schemes

Minerals sites may be under existing Higher Level Stewardship agreements before minerals are

extracted and may be returned to agricultural use following landfilling. We advise early contact by agreement holders with the Rural Payments Agency to discuss individual cases so that any payments can be amended accordingly.

Annex 2 - Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023

Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty (“National Landscape”) in England, to seek to further the statutory purposes of the area. The duty applies to local planning authorities and other decision makers in making planning decisions on development and infrastructure proposals, as well as to other public bodies and statutory undertakers.

It is anticipated that the government will provide guidance on how the duty should be applied in due course.

In the meantime, and without prejudicing that guidance, Natural England advises that:

- the duty to ‘seek to further’ is an active duty, not a passive one. Any relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape (A National Park, the Broads, or an AONB) can be furthered.
- The new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes but also to seek to further the conservation and enhancement of a protected landscape. That goes beyond mitigation and like for like measures and replacement. A relevant authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose.
- The proposed measures to further the statutory purposes of a protected landscape, should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area and effectively secured. Natural England’s view is that the proposed measures should align with and help to deliver the aims and objectives of the designated landscape’s statutory management plan. The relevant protected landscape team/body should be consulted.