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South Lakeland District Council & Lancaster City Council

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Dear Sir or Madam

**Arnsdale & Silverdale AONB Draft Plan Consultation Document (November 2016)**  
**Habitats Regulations Assessment & Functionally Linked Land Desk Study (October 2016)**  
**Draft Sustainability Appraisal Report (October 2016)**

Thank you for your consultation regarding the above, dated and received by Natural England on 10 November 2016.

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 main comments are concerned with;

- Section 1 – Policies,
- Section 2 – Allocations,
- Section 3 – Habitats Regulations Assessment,
- Section 4 – Sustainability Appraisal.

We strongly advise that you are guided by the Arnsdale & Silverdale AONB Partnership and take their comments into account, as their knowledge of the locations and wider landscape settings of the area will inform whether the policies and plans would lead to significant impacts on the special qualities of the AONB.

We visited the AONB and all the site allocations in December 2016.

**Section 1 – Policies**

The purpose of the AONB is to conserve and enhance the natural beauty of the area. We advise that the policy wording could go further in places to secure 'enhancements'. See below for policy specific advice.

**Paragraph 2.1.2 Vision and Objectives**

We recommend including "...and achieves enhancements wherever possible" to the end of objective (II) to more fully reflect the AONB purpose.

**Policy AS01 Development Strategy**

We advise that a number of changes are made to this policy;

- The opportunity is taken to provide more guidance on what constitutes 'major development' in the AONB, taking into account that even smaller developments may be considered 'major' depending in the local context.

- This policy could be worded in such a way that it encourages development that would meet local housing needs and is in keeping with AONB.
- The policy could be amended to ensure new small scale development reflects the character of existing buildings, i.e.  
 ‘Development proposals within the Small Villages will be permitted only where they:  
 (IV) reflect and reinforce the distinctive characters of the area’s settlements, taking into account the size, scale and design of existing buildings; and...’

#### Policy AS02 Landscape

We would like to see the policy amended to more fully reference the natural beauty and the special qualities of the AONB and include more detailed information on important landscape features, with reference to existing Landscape Character Assessments.

We recommend that an additional point be included in the policy that states ‘all development should demonstrate how it will contribute to achieving the objectives of the AONB Management Plan.’

#### Policy AS03 General Requirements

This policy appears to repeat a number of other policies. It may be beneficial to remove the repeated points and incorporate the remaining text into other policies or supporting text.

#### Policy AS05 Natural Environment

This policy is not compliant with paragraph 113 of the NPPF and is therefore currently unsound. We advise that it should be amended to set out criteria based policies which make a distinction between the hierarchy of international, national and locally designated sites and areas. Furthermore, it should also be clear that development proposals resulting in significant harm or adversely affecting a European site or SSSI should not normally be permitted (NPPF, paragraph 118).

We welcome the inclusion of policy wording to reflect NPPF paragraphs 114 & 117 i.e. ‘*enhance ecological networks, diversity and connectivity, including enhancing or creating new ‘stepping stones’, buffer zones, corridors and other linkages, including those that connect across the AONB boundary....*’ However, the DPD is not fully compliant with paragraph 117 of the NPPF as it does not plan for biodiversity at the landscape scale. The Plan should provide a steer on the priorities and opportunities, for example, the policy justification mentions that the whole of the AONB is covered by the Morecambe Bay Limestones and Wetlands Nature Improvement Area – we advise that the plan should do more to promote this and make connections within this policy. The Plan could also allocate Green Infrastructure corridors, priority habitats etc. and be proactive in seeking to enhance the environment (e.g. bigger, better and more joined up).

We advise that the following areas are considered for inclusion within this policy;

#### **Habitats Regulations**

Given that European/Ramsar designations account for nearly 50% of the AONB area, we advise that explicit reference is made to the Habitats Regulations within policy AS05, as well as the justification.

#### **Green Infrastructure**

There is a lack of enhancement and net gain for Green Infrastructure (GI) included within the Plan. A strategic approach for GI networks should support a similar approach for ecological networks. The Plan may include a specific GI policy or GI could be integrated with policy AS05 (NPPF paragraph 114). If included as a separate policy, GI policies should support other policies e.g. biodiversity (green space, flood risk and climate change adaptation).

#### **Shoreline Management Plan**

There is no reference to the Shoreline Management Plan. Shoreline Managements Plans should inform the evidence base for planning in coastal areas (NPPF paragraph 168). Sea level rise and coastal change are inevitable and bring both challenges and opportunities for people and nature. Sustainable coastal management needs to embrace long-term change and achieve positive outcomes for both. We advise that Local Plans provide for coastal adaptation and work with coastal

processes. They should recognise the need to respond to changes over long timescales and adopt an integrated approach across administrative and land/sea boundaries. Local Plans can help facilitate the relocation of valued assets away from areas of risk (NPPF paragraph 106).

### **Ancient Woodland**

There is no mention of the need to protect ancient woodland or aged and veteran trees. Trees and woodland classed as 'ancient' or 'veteran' are irreplaceable. Ancient woodland takes hundreds of years to establish and is considered important for its wildlife, soils, recreation, cultural value, history and contribution to landscapes. 'Ancient woodland' is any wooded area that has been wooded continuously since at least 1600 AD. See our standing advice at [www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences](http://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences). Policy AS05 currently implies that veteran and ancient trees can be replaced – this should be re-worded in line with our standing advice (NPPF paragraph 118).

### Policy AS06 Public Open Space and Recreation

There is no reference to the England Coastal Path. Natural England has a legal duty to secure a new long distance National Trail around the coast of England for open-air recreation (such as walking, climbing and picnicking). Improving access to the coast will enhance people's enjoyment of and connection with its wildlife and landscape and new opportunities for tourism and other services and facilities (cafes, accommodation, toilets, car parks etc.) that may benefit trail users would be most welcome. (NPPF paragraph 114).

### Policy AS07 Key Settlement Landscapes

We welcome the policy but we are concerned that certain sites which are important to the landscape character of the AONB, have not been allocated as 'key settlement landscapes' and therefore will not be given robust protection and may be seen as less important. We therefore advise that further consideration is given to this policy.

### Policy AS12 Camping Caravan and Tourist Accommodation.

Is not clear what the definitions of 'small-scale tented', 'very small scale' and 'lower impact accommodation' development is. We advise that these terms are defined to clarify what is and is not deemed acceptable by this policy.

### Policy AS14 Energy and Communications

We advise that it is likely that medium or large scale developments of this nature would have an adverse impact on the landscape setting and therefore impact on the special qualities of the AONB and should not be permitted.

We also recommend that an additional point be added to the policy to state that 'only development that will not have any adverse impact on international, national and local designated sites will be encouraged'.

## **Section 2 - Allocations**

### Policy AS23 - S56 Land at Whinney Fold, Silverdale

We have concerns about this site in light of the AONB comments that the site will cause harm to the landscape, settlement character and natural beauty of the AONB which cannot be mitigated against.

The AONB Sites Landscape Assessment states that 'Site 56 is located within a secluded western part of the settled landscape of LCA D3 at the...south west edge of Silverdale...on the floor of a rolling dry limestone valley...intimate and secluded with limited views in to and out of it.' It concludes that '...the development of this site in combination with the redevelopment of Site 46 located on higher ground, slightly to the south would harm the landscape and settlement character of the AONB.'

It is not clear how a reduction from 19 to 6 dwellings would make development appropriate at this location given that the Landscape Assessment concluded that the original proposal for 19 units would harm the landscape and settlement character.

It is also not clear what reasonable alternatives were explored. It should be evidenced through the Sustainability Appraisal how these alternative sites were assessed and reasons given as to why this site was selected as the preferred option.

Please see Section 3 for our comments regarding the HRA.

Policy AS18 – A6 Land off Queens Drive, Arnside

Please see Section 3 for our comments regarding the HRA.

Policy AS19 – A8/A9 Land on Hollins Lane, Arnside

Please see Section 3 & 4 for our comments regarding the HRA and SA.

Policy AS20 – A11 Land at Briery Bank, Arnside

Please see Section 3 for our comments regarding the HRA.

Policy AS21 – B108 Land at Church Street, Beetham

The landscape assessment recommends that the bulk of the site shall be retained as agriculture in order to maintain the rural setting - the mini-brief doesn't appear to reflect this.

Please see Sections 3 & 4 for our comments regarding the HRA and SA.

Policy AS22 – B112 Land at Stanley Street, Beetham

Please see Section 3 for our comments regarding the HRA.

Policy AS24 - W88 Land North West of Sand Lane, Warton

The landscape assessment states that there is the 'capacity to accommodate a small cluster of dwellings within the east part of the site without resulting in harm to the character and visual amenity of the AONB.' This limitation of development being confined to the east part of the site has not been reflected in the mini-brief.

There is no map included for this site.

Please see Section 3 for our comments regarding the HRA.

Policy AS25 – W130 Land North of 17 Main Street, Warton

Please see Section 3 for our comments regarding the HRA.

Policy AS26 – A25/A26/A27 Station House and Yard, Arnside

Please see Sections 3 & 4 for our comments regarding the HRA and SA.

Policy AS27 - B35/B38/B81/B125 Land at Sandside Road and Quarry Lane, Sandside

The site assessment excludes residential development but residential development has been included within the mini-brief. We advise that this should be justified.

The mini-brief talks about the scale of the development but doesn't reflect the need to retain and manage the mature woodland trees on the site as required by the Landscape Assessment.

We recommend that reference is made to the site adjoining/facing nationally and internationally designated sites (like paragraph VI. in AS26 – A25/A26/A27).

Please see Section 3 for our comments regarding the HRA.

Policy AS28 - S70 Land at the Railway Goods Yard, Silverdale

We have concerns that the site is next to Myers Dike watercourse which eventually flows into Leighton Moss SSSI/SPA/Ramsar. This site is suffering from diffuse pollution issues and we would be very concerned to see any septic tank discharges entering the watercourse and increasing the nutrient burden of the site (which is likely as there are no mains sewerage in the area).

In order to address this, we advise that point II of the policy is amended to include ‘..drainage, sewerage/septic tank and surface water reports...’

### **Section 3 – Habitats Regulations Assessment**

#### **Table 7-2 Policies screened out of further assessment**

We recommend that further clarification is needed on the justifications for the following policies;

##### **Policy AS04 – Housing**

We don’t agree that this policy can currently be screened out of further assessment in the HRA. A simple change to the policy wording under an additional point to say ‘the development should not have an adverse impact on designated sites’ will enable the policy to be screened out of further assessment. Alternatively the policy could make reference to the requirements within Policy AS05 – Natural Environment.

##### **Policy AS12 – Camping, Caravan and Visitor Accommodation**

We don’t agree that this policy can currently be screened out of further assessment in the HRA. A simple change to the policy wording under point (II) to include ‘the development should not have an adverse impact on designated sites’ within the criteria for supported development will enable the policy to be screened out of further assessment. Alternatively the policy could make reference to the requirements within Policy AS05 – Natural Environment.

##### **Policy AS14 – Energy and Communication**

We don’t agree that this policy can currently be screened out of further assessment in the HRA. A simple change to the policy wording under point (III) to include ‘the development should not have an adverse impact on designated sites’ within the criteria for supported development will enable the policy to be screened out of further assessment. Alternatively the policy could make reference to the requirements within Policy AS05 – Natural Environment.

#### **Site Allocations Table 7-4**

##### **Policy AS18 – A6 Land off Queens Drive, Arnside**

We agree with your conclusion in the HRA that there is the potential for recreational pressure on Morecambe Bay SAC, SPA and Ramsar and that this is unlikely to be significant alone and that these sites should be considered in-combination.

Please see Sections 1 & 4 for our comments regarding the DPD and SA.

##### **AS19 – A8/A9 Land on Hollins Lane, Arnside**

We agree with your conclusion in the HRA that there is the potential for recreational pressure on Morecambe Bay SAC, SPA and Ramsar and that this is unlikely to be significant alone and that these sites should be considered in-combination.

##### **AS20 – A11 Land at Briery Bank, Arnside**

We agree with your conclusion in the HRA that there is the potential for recreational pressure on Morecambe Bay SAC, SPA and Ramsar and that this is unlikely to be significant alone and that these sites should be considered in-combination.

##### **AS21 – B108 Land at Church Street, Beetham**

We agree with your conclusion in the HRA that there is the potential for recreational pressure on Morecambe Bay SAC, SPA and Ramsar and that this is unlikely to be significant alone and that these sites should be considered in-combination.

Please see Sections 1 & 4 for our comments regarding the DPD and SA.

##### **Policy AS22 – B112 Land at Stanley Street, Beetham**

We agree with your conclusion in the HRA that there is the potential for recreational pressure on Morecambe Bay SAC, SPA and Ramsar and that this is unlikely to be significant alone and that these sites should be considered in-combination.

Policy AS23 - S56 Land at Whinney Fold, Silverdale

The site is adjacent to the designated sites and more consideration needs to be given to all the potential impacts which this site may have.

We advise that the justification given for no likelihood of significant effects is unclear. Further consideration should be given to the likely impacts of the proposals and we recommend that;

- evidence is included to show that hydrological links do not exist or won't be adversely affected,
- clear justification is included as to why bird disturbance is considered unlikely,
- why effects from air pollution are considered unlikely and if 'best practice approaches' are considered necessary to eliminate adverse impacts, these should feature as a requirement in the policy wording.

We agree with your conclusion in the HRA that there is the potential for recreational pressure on Morecambe Bay SAC, SPA and Ramsar and that this is unlikely to be significant alone and that these sites should be considered in-combination.

Policy AS24 - W88 Land North West of Sand Lane, Warton

We agree with your conclusion in the HRA that there is the potential for recreational pressure on Morecambe Bay SAC, SPA and Ramsar and that this is unlikely to be significant alone and that these sites should be considered in-combination.

Please see Section 1 for our comments regarding the DPD.

Policy AS25 – W130 Land North of 17 Main Street, Warton

We agree with your conclusion in the HRA that there is the potential for recreational pressure on Morecambe Bay SAC, SPA and Ramsar and that this is unlikely to be significant alone and that these sites should be considered in-combination.

Policy AS26 – A25/A26/A27 Station House and Yard, Arnside

The justifications given to support the conclusion of no likely significant effect are conflicting. The first paragraph states that there will be no likely significant impacts and that measures will prevent adverse impacts altogether but doesn't explain what measures are needed. The second paragraph states that ecological surveys are required at project stage to assess the impacts on designated sites (which matches what is included within the SA Matrix) – these two paragraphs are conflicting. There are also conflicting statements within the HRA which suggests that an assessment at site level will not be required – this is contrary to the conclusion in the HRA Summary within the SA Matrix

In the HRA justification, it states that the parking spaces will be aimed at rail users, however this cannot be guaranteed and visitors and tourists may use the car park. Therefore there may be effects from increased recreational disturbance which need to be considered in-combination.

Please see Section 1 for our comments regarding the DPD.

Policy AS27 - B35/B38/B81/B125 Land at Sandside Road and Quarry Lane, Sandside

The allocation is adjacent to the designated site and further consideration of potential impacts is required.

We advise that the justification given for no likely significant effects is unclear and further consideration is given to the likely impacts of the proposals and we recommend that;

- evidence is included to show that hydrological links do not exist or won't be adversely affected,
- clear justification is included as to why bird disturbance is considered unlikely,

- why effects from air pollution are considered unlikely and if 'best practice approaches' are considered necessary to eliminate adverse impacts, these should feature as a requirement in the policy wording.

We agree with your conclusion in the HRA that there is the potential for recreational pressure on Morecambe Bay SAC, SPA and Ramsar and that this is unlikely to be significant alone and that these sites should be considered in-combination.

Please see Section 1 for our comments regarding the DPD.

#### 7.4 Consideration of in-combination effects

The in-combination assessment is incomplete and needs to include all plans or projects that have consent or authorisation but are not yet complete, and those that are the subject of an application for consent or authorisation, but are not yet determined. The following list outlines the types of plans and projects that should be considered for an in combination assessment:

- The incomplete or non-implemented parts of plans or projects that have already commenced;
- Plans or projects given consent or given effect but not yet started.
- Plans or projects currently subject to an application for consent or proposed to be given effect;
- Projects that are the subject of an outstanding appeal;
- Ongoing plans or projects that are the subject of regular review.
- Any draft plans being prepared by any public body;
- Any proposed plans or projects published for consultation prior to application.

We advise that the consideration of other plans and projects should identify key strategic issues for the area e.g. recreational disturbance and functionally linked land (please see our comments below relating to the Functionally Linked Land Study). In order to effectively and consistently address in-combination effects on these issues it is necessary to link up with emerging strategic solutions from the Lancaster and South Lakeland plans. Our work with Lancaster Council on their emerging local plan has included advice on the need to engage with the Morecambe Bay Partnership and their work on managing recreational pressure on Morecambe Bay. We also understand that Lancaster Council is developing a strategic solution for functionally linked land. It is important that the plan makes reference to this work and the relevance it has to the AONB. We can work with you to develop these strategic solutions.

#### **Functionally Linked Land Study**

There are certain assumptions made in the Functionally Linked Land (FLL) study that we do not agree with:

In Table 4-1 – It is not clear why sites within 500m of a waterbody that are part of the Special Protection Area (SPA) are being excluded. This may exclude sites that are more likely to be FLL. We advise that further explanation is required to clarify this point.

We advise that the 'whole' hectare figure in the site description has not been taken into account e.g. Site W88 is 2ha in total (all one field) the report states 0.4ha (ie the area of the housing) which gives a false picture of the possible FLL. These sites should not be viewed in isolation or as a single red-line boundary. Even though the proposed allocations are less than 5ha (when taking the whole field into account), a wider context is required when screening these sites because what lies beyond the boundary of the field could also be FLL and therefore should be taken into consideration.

We recommend that sites with favourable habitat but are less than 5ha should not be excluded. Some SPA bird species will use sites which we might term 'sub optimal' – this includes sites less than 5ha. Therefore we advise that this study takes all smaller sites into account, particularly given the relatively small and self-contained geographical area and relative close proximity to the coast.

As a result of reviewing all the above, there may be a change in the list of sites that need to be

screened in for further in-combination assessment.

## **Section 4 – Sustainability Appraisal**

### **Table 3-3 Key Sustainability Issues and Opportunities**

Soils and Land Quality – The Sustainability Appraisal (SA) states that there are no Grade 1 or Grade 2 soils present within the AONB, however, it is not clear whether there is any Grade 3a soil within the AONB that may be affected.

### **Paragraph 4.1.3 Commentary on environmental effects**

There are no air quality management areas in AONB so it is not clear why this has been used as a monitoring indicator.

### **Paragraph 4.1.14**

This paragraph assumes that development would not be allocated in areas of flood risk – this should be reflected in policy (some of the allocated sites are located within Environment Agency flood zone 3).

### **Paragraph 4.1.15**

This paragraph acknowledges that development in more secondary settlements does not meet all the SA objectives but it is not clear if these sites are going forward.

5.4.84 The paragraph is incomplete.

## **Monitoring Framework Chapter 6 – Table 6-1**

### **Section 11 To protect and enhance biodiversity and geodiversity.**

The proposed monitoring indicators do not appear sufficient to monitor the effects of the plan. Suitable indicators could include;

- Percentage of the planning approvals incorporating ecological enhancement measures and/or which has a net gain in biodiversity,
- The number of planning applications refused or withdrawn in part due to their lack of consideration of biodiversity impacts.
- 

### **Section 12 To protect and enhance landscape, seascape and settlement character and quality.**

The proposed monitoring indicators could be strengthened, a suitable indicator could include;

- The proportion of developments which maintain and enhance the quality of the countryside, coasts, estuaries and local landscape character.

There are no proposed monitoring indicators for Green Infrastructure. This could be incorporated into indicators for another SA Objective. Suitable indicators could include;

- Percentages of new developments incorporating new green infrastructure or enhancement measures.

## **Appendix G - SA Matrices: Draft Plan Site Allocations**

### **General Comments**

### **SA Objective Topic 9 – Climate Change and Energy**

Climate Change and Energy have the same Key reason, Other info and Mitigation for every site. We advise that these sections be tailored to reflect each site.

### **SA Objective Topic 11 – Bio/Geo-diversity**

The distances from designated sites in the Key reason section appear to be incorrect for some of the sites. We advise that these distances are checked and corrected if necessary.

We recommend that further consideration is given to site specific mitigation requirements. The



mitigation currently under this topic appears to be generic and reliant on other policies and not addressing the individual site impacts.

It is unclear how mitigation will actually be achieved in practice on some of the sites, e.g. land of Queens Drive, Arnside, is a site for 8 houses and it is not clear whether (as the matrix states) there will be space to incorporate green infrastructure into the development

#### SA Objective Topic 12 – Land/Sea-scape and Character

There are a lot of references to the sites having a 'minor positive effect' or 'likely positive effect' on local landscape character and visual amenity. We advise that the reasoning behind this positive effect should be explained.

#### Site Specific Comments

##### Policy AS19 – A8/A9 Land on Hollins Lane, Arnside

The landscape assessment states that the site can accommodate up to 6 dwellings without resulting in harm to the character and visual amenity of the AONB and the SA Matrix scores this site as having a negative impact on landscape. However, the mini-brief states that the site is allocated for approximately 8 dwellings. It is not clear what justification exists for this increase in dwelling numbers above that recommended in the landscape assessment.

Please also see Sections 1 & 3 for our comments regarding the DPD and HRA.

##### Policy AS21 – B108 Land at Church Street, Beetham

The landscape assessment states that 3 dwellings can be accommodated on the site without causing harm to the character and visual amenity of the AONB, and the SA Matrix scores this site as having a negative impact on landscape. However, the mini-brief states that the site is allocated for approximately 6 dwellings. It is not clear what justification exists for the doubling of housing numbers from that recommended in the landscape assessment.

Please also see Sections 1 & 3 for our comments regarding the DPD and HRA.

##### Policy AS26 – A25/A26/A27 Station House and Yard, Arnside

The site is adjacent to designated sites and more consideration needs to be given to all the potential impacts which this site may have. There are also conflicting statements within the HRA Summary within the SA Matrix which suggests that an assessment at site level will be required – this is contrary to the conclusion in the HRA. It is also not clear how this development can have positive score on landscape.

Please also see Section 3 for our comments regarding the HRA.

We hope you find our comments helpful. If you would like any clarification or assistance with this consultation, please contact Elizabeth Knowles [REDACTED] We would also be happy to review any further changes made.

For any new consultations, or to provide further information on this consultation please send your correspondences to [REDACTED]

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

Miss Elizabeth Knowles  
Lead Adviser  
Cheshire, Greater Manchester, Merseyside & Lancashire Area Team