



Mr Matthew Sunman
County Hall
Beverley
East Riding of Yorkshire
HU17 9BA
[by email]

23 May 2022

Dear Mr Sunman,

Response to Natural England comments on Planning Consultation: 21/04505/STPLF

Many thanks for forwarding Natural England's (NE) constructive feedback on the submission as part of their statutory written response, which advises of No Objection.

However, NE's response does include a number of comments within it, which we feel will be helpful to address by providing further consideration and clarification.

The following letter excludes a response on soils and agricultural land quality (on which comment will be provided in a separate response), but does address all biodiversity and ecology comments, where applicable, and sets out our response. Each comment is considered in turn below, with NE's comments included (in grey, italic text), for ease of reference.

It is noted that NE agrees with our assessment of the potential effects to nearby designated sites, including the Lower Derwent Valley SAC/SPA/Ramsar site and Allerthorpe Common SSSI. This confirmation is appreciated and we have no further comments on these elements at this stage.

Biodiversity Enhancement

Natural England broadly welcomes the Biodiversity Enhancement Management Plan (dated November 2021) and the plans to create a 'Habitat Enhancement Area' adjacent to Allerthorpe Common SSSI. However, we would encourage heathland/acid grassland creation (subject to suitable soil conditions) in this location, rather than the proposed native species grass and meadow mix and mixed native scrub planting within tussock grassland mix.

The 'Habitat Enhancement Area' function adjacent to Allerthorpe Common SSSI is primarily proposed to address Great Crested Newt (GCN) requirements, but also to address ornithological interests. The habitats within this area need to be suitable for GCN using terrestrial habitats, and the proposed habitats provide an enhancement that compliments a Non-Licensed Method Statement (NLMS) approach for GCN. This is an approach that has been selected following a recent redesign of the site layout, where avoidance of valuable habitats to GCN is the primary mitigation consideration. Both proposed scrub and tussocky grassland planting would be valuable habitat to support GCN and provide benefits for ornithological interests. Whilst heathland and acid grassland may be suitable for supporting the SSSI habitats by providing a buffer, it is not intended for wider creation due to the long term agricultural use of the land and likely changes to the soil condition associated with that activity. However, some species associated with heathland and acid grassland will (with agreement with Natural England) be incorporated into the proposed tussocky grassland and scrub habitats with the presence in areas with the right soil conditions. However, support for improvements to the condition of the existing lowland heathland habitats within the adjacent SSSI will be considered with agreement with the Yorkshire Wildlife Trust and Natural England, which

we feel could secure long term positive habitat enhancements for this habitat and the species that it supports.

Natural England notes from the Biodiversity Enhancement Management Plan (dated November 2021) that two distinct 'Habitat Enhancement Areas' are proposed at the northern and eastern boundaries of the proposed site. However, we suggest that one larger area at the northern end of the site may be more valuable for environmental gains. We also note that under the current proposals, valuable habitat may be lost after the 35-year operational period. We would welcome this area to be secured in perpetuity, please refer to CIEEM good practice Principle 8: Create a net gain legacy for more information.

The northern Habitat Enhancement Area (HEA) is proposed primarily to address ornithological interests. The southern HEA serves as screening for off-site dwellings as part of the landscape mitigation for the Site. As the two separate HEAs serve two separate functions, each specific to their respective location, there is a requirement to maintain these two areas separately.

The Applicant is undergoing a redesign of the Development which will seek to avoid habitats of value to GCN (in line with the mitigation hierarchy). The construction works associated with the Development will therefore be undertaken in line with a NLMS approach. Therefore, the requirement for putting aside land in perpetuity is not necessary to maintain GCN favourable conservation status.

Suggested Conditions

We would advise your authority to apply conditions to secure appropriate agricultural land management and biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires. This would not preclude retention of the habitat enhancement area, as long as the current soil profile is retained.

We welcome that Natural England is requesting that the Site be restored to its former condition at the end of the lifetime of the Development, as it is likely to be a requirement that the land reverts back to agricultural use. On this basis the creation of the highest quality lowland heathland and acid grassland in the HEA to the north is both impractical and undesirable, if it was not retained on a long term basis following expiry of the planning permission for the Development. As previously stated, the purpose of the HEA to the south is primarily for the purposes of landscape mitigation, and with the removal of the Development infrastructure, the need for this area beyond the lifespan of the Development is no longer required; however, reversion in both HEA areas would be subject to prevailing policy and legislation at the time of decommissioning.

Please feel free to contact us, should you have any queries on the above.

Kind Regards



Daniel Hardie MSc MCIEEM
Senior Ecologist