

Date: 23 July 2024  
Our ref: 359662



Planning Policy Team,  
Rother District Council

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**BY EMAIL ONLY**

Dear Planning Policy Team,

**Planning consultation: Draft Rother Local Plan 2020-2040 – Public Consultation – 30th April 2024 to 23rd July 2024.**

Thank you for your consultation on the above dated 30 April 2024 which was received by Natural England on the same day.

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 comments below relate to the use of Natural England's 'Green Infrastructure Framework - Principles and Standards for England' (GIF) within the above document and briefly touch on other matters previously discussed with your authority. The GIF has been developed to fulfil a commitment in the Government's 25 Year Environment Plan and as a whole supports the National Planning Policy Framework (NPPF); in particular, paragraphs 20, 92, 96 c), 159 a), 175, 180 d), 181 and 192. Please see Annexe A for links to the GIF guidance.

The absence of comments on other policies within the Plan should not be taken as Natural England not having no comments to make but we have prioritised our advice. In particular, we have not commented on HRA concerns (other than in relation to Policy ENV6: SARMS, below), or any protected landscape concerns nor reviewed the allocations.

**Key sustainability issues**

Plan- Making for Biodiversity in the Climate Emergency

Given the severity of the decline in biodiversity and the climate change emergency, local plans have a key role to play in planning for resilience, forecasting, and making space for nature to adapt to a changing climate. Plans should seize the opportunity to help to reverse this decline through ambitious and integrated plan-making which demonstrably avoids and minimises impacts and seeks all opportunities to help reverse the biodiversity decline. Plans must adopt a strategic approach through multifunctional green infrastructure provision and nature recovery networks. To this end, we welcome the incorporation of green and blue infrastructure provision within both your 'Health and Wellbeing' and 'Environmental Management' policies. In particular, we welcome the embedding of Natural England's GIF within some of the policies but would recommend further use, both within policies and within the related Monitoring Framework measures (see below for more detailed advice).

## **Policy HWB5: Green and Blue Infrastructure**

HWB i): We welcome the commitment to safeguarding existing green and blue infrastructure from development.

HWB5 iii) b.: We also welcome the embedding of the Natural England GIF and its Principles and Standards in this policy.

HWB5 iv): The inclusion of the requirement for developments of two hectares or more, or 50 dwellings or more, to produce a Green Infrastructure masterplan as part of their proposals, is also welcome. We recommend reference to the GI Design Guide and to the GI Strategy Standard in particular in relation to the content of these GI masterplans. (See also the GIF extract below\*)

Note 41: We recommend extending the definition of GI given in this note, to include features for species, such as bird and bat boxes, swift bricks and hedgehog holes. This would also strengthen the wording in relation to the NPPF definition of GI.

### Strategic Green Infrastructure:

We welcome the use by the authority of Natural England's GIF Principles and Standards as a tool to review and update their 2006/7 Green Spaces, Sport and Recreation Study, 2011 Green Infrastructure Study and 2016 Addendum (as stated in section 6.36). We would again recommend reference to the GI Design Guide and to the GI Strategy Standard in particular (and in support of NPPF paragraphs 20 and 175), to inform and guide any future work.

We also recommend the inclusion of the requirements for green infrastructure information (for example as required by any GI Strategy document and the GI masterplans for 2 ha or more or major development) within the local requirements of your planning validation checklist.

### \*Additional advice on GI Strategies and GI Design Guide:

The following advice is taken from the Process Journeys for Local Planning Authorities and is particularly relevant to the development of GI Strategies:

*"Each major new development has a Green Infrastructure 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."*

The GI Design Guide aims to provide evidence based practical guidance on how to plan and design good GI and it complements the National Model Design Code and National Design Guide. The GI Design Guide can also be used by planners (and designers) to develop local design codes with multifunctional GI at its heart.

### Monitoring Framework measures:

We recommend the use of the GIF Standards as a means to measure the effectiveness of this policy; in particular the Accessible Greenspace Standards (in relation to HWB5 iv) for example) but also the Urban Nature Recovery, Urban Greening Factor and Urban Tree Canopy Standards. We note the tendency for your measures to focus on failure to meet related policy requirements, however, in relation to testing whether the GIF standards have been met, we recommend a positive measure. For example, a measure to test the meeting of the Accessible Greenspace Standard could be worded: 'x % of people to have access to good quality parks, green and blue spaces close to home for health and wellbeing, to meet the Accessible Greenspace Standards, with an initial focus on access to green and blue spaces within 15 minutes' walk from home by 2030, and y % by 2040'. This advice also applies to GIF related monitoring framework measures in ENV5 below.

## Policy ENV5: Habitats and Species

We welcome the inclusion of a habitats and species policy and (in relation to the focus of this advice) in particular, the following:

ENV5 i) a.: The requirement that *"development proposals must ...conserve, enhance and provide the appropriate management for the biodiversity and ecological value of:... international, national, regional and local designated sites of biodiversity and geological value;..."* We note that the supporting text details the above designated sites located within the district but would recommend in addition to the Local Wildlife Sites mentioned, that Local Nature Reserves also be included here.

ENV5 i) d.: The requirement that *"development proposals must ...conserve, enhance and provide the appropriate management for the biodiversity and ecological value of... Any other ecological feature or network (either green or blue in character) that is deemed appropriate to consider, including areas that could become of importance for biodiversity, as mapped in the Local Nature Recovery Strategy (LNRS)."* However, this policy wording would be strengthened by including the improvement of biodiversity within existing urban areas, as part of urban nature recovery delivery. Such wording could be *"...including areas that could become of importance for biodiversity (and nature recovery) within existing urban areas, or as mapped in the Local Nature Recovery Strategy (LNRS)."*

ENV5 iv): The requirement that *"development proposals must... Have regard to Natural England's Green Infrastructure Framework and associated standards and guidance."* However, this policy text could be strengthened, for example: *"development proposals must... Contribute to Natural England's Green Infrastructure Framework"*

Interactive Policies Map: There are two omissions from your existing policies map 'designations' layers, which need to be added:

- Local Nature Reserves; and
- Beachy Head East (Royal Sovereign Shoals) Marine Conservation Zone.

### Monitoring Framework measures:

There is an opportunity to use the GIF standards within these measures, in particular:

ENV5 i) d. - The Urban Nature Recovery Standard in relation to urban development.

ENV5 iv). - The Accessible Greenspace Standards; Urban Nature Recovery Standard; Urban Greening Factor Standard; and the Urban Tree Canopy Cover Standard.

## Policy ENV6: Sustainable Access and Recreation Management Strategy (SARMS)

We note that we have previously provided advice on this matter, in relation to earlier documents and we summarise the advice that remains valid, below:

If the supporting evidence for the SARMS continues to show that the vast majority of visitors to the area come from outside the Folkestone and Hythe and Rother districts, and are tourists, attracted to the area for the variety of recreational activities on offer; for there to be certainty as to the effectiveness of any mitigation, it will need to be targeted at those visitors causing or likely to cause, the disturbance based upon the evidence underpinning the SARMS.

Habitats Regulations Assessment (HRA): We note that the supporting HRA (April 2024) includes the following recommendation:

*"6.23 It is recommended that the Draft Dungeness Complex SARMS is reviewed and updated to allow effective implementation of Proposed Policy ENV6. In particular it is recommended that the governance and funding arrangements for the management of the Dungeness Complex SARMS measures are formalised. This should include a body for delivery of the measures, a charging tariff, a mechanism for collecting funds from affected developers, and a regular review process to inform future reviews of measures. The tariff would be informed by consideration of the cost of implementing the identified measures and the number of dwellings that are likely to be affected."*

*Since the SARMS is a joint exercise between Rother and Folkestone & Hythe, this exercise should also be done jointly."*

Whilst we support the need to review and update the 2017 SARMS work, the use of a mechanism for collecting funds from affected developers would, for the reasons set out above, be of concern with regard to HRA compliance.

Given the comments within the HRA accompanying the Local Plan consultation, Natural England would advise that a greater degree of certainty is provided as to how the SARMS will be funded and implemented to give certainty that the mitigation measures will be effective. We would be pleased to continue working with the Council on this to help ensure these concerns are resolved.

### **Biodiversity Net Gain (BNG) - Policy GTC8**

We welcome the inclusion of this policy and note the requirement for development proposals to deliver 'at least 20% measurable biodiversity net gain'. Our advice is that any higher policy requirement than 10% should be evidence based and shown to be achievable. Evidence should justify the target proposed and demonstrate that development is deliverable. We welcome your statement that to this end, your authority is collating an evidence base to justify the higher target, in collaboration with the Sussex Nature Partnership and neighbouring local planning authorities. We note your statement that this higher target is justified by the local availability of off-site opportunities, should they be needed and would expect your evidence base to include details of such available opportunity sites and the viability of delivering 20% net gain.

#### Monitoring framework measures (Appendix 4):

We welcome the use of the given measures, subject to the addressing of the above comments in relation to further work needed in relation to demonstrating the viability over 10% BNG.

We would be happy to provide further advice on future documents, via our consultations hub at: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

If you have any queries relating to the advice in this letter, please contact me on [REDACTED]

[REDACTED] [REDACTED]  
**Sustainable Development Higher Officer  
Sussex & Kent Team  
Natural England**

I work flexible part time hours with my usual working days being Mondays, Tuesdays and Wednesdays.

[REDACTED]  
Pronoun: She/Her - [why have I put this?](#)

## Annexe A - Links to Natural England's GIF Guidance

- NE's [Green Infrastructure Framework](#) can be used as the basis for GI planning evidence, the NE [Green Infrastructure Principles](#) and set out 'Why', 'What' and 'How' of good GI.
- The [Green Infrastructure Map](#) can be used to assist in planning GI strategically.
- NE's [Process Journeys](#) for use by Local Planning Authorities.
- NE's Green Infrastructure Planning and Design Guide:  
<https://designatedsites.naturalengland.org.uk/GreenInfrastructure/DesignGuide.aspx>
- Refer to PPG on GI here: [Natural environment - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [5 GI Standards](#)  
Which are:
  - S1. Green Infrastructure Strategy Standard
  - S2. Accessible Greenspace Standards
  - S3. Urban Nature Recovery Standard
  - S4. Urban Greening Factor
  - S5. Urban Tree Canopy Cover