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Dear Inspector Simon Berkeley BA MA MRTPI and Inspector Andrew McCormack BSc (Hons) MRTPI

**Planning consultation: Response to the Defence Infrastructure Organisation (DIO) proposal associated with the development of QEII Barracks York allocations ST35**

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.

**1. Background.**

1.1 Natural England was first made aware of the Defence Infrastructure Organisations (DIO) long term plans for disposal and development of Queen Elizabeth Barracks (QEB) at a Technical Officers Workshop hosted by York City Council in March 2017. A Preliminary Ecological Assessment (Amec Foster Wheeler March 2017)<sup>1</sup> was produced on behalf of DIO at this time and concluded that *“the proposed development of the site is likely to have a significant effect on Strensall Common SAC. On this basis there is a requirement for under the Habitat Regulations to undertake an Appropriate Assessment”....*

1.2 At this workshop Natural England emphasised that recreational pressure were likely to be a significant obstacle to the development of the QEB site.

1.3 Subsequent to this workshop Natural England was contacted by consultants (Wood Environment & Infrastructure Solutions UK Ltd) working on behalf of DIO regarding the scope of such an Appropriate assessment. In our initial response Natural England commented (20/11/2017):

*“Recreational pressure is an issue for the Common, particularly the walking of dogs. The tenant farmer has issues with dog worrying of stock in most years and dog fouling can also be an issue. The site receives large numbers of visitors at most time of the year and uncontrolled dogs can clearly impact ground nesting birds and cause problems for stock management. There is also some problems with unauthorised access by motor bikes. This has been a problem in the past and I have recently had reports from MOD that this again is on the increase. The tenant farmer has also lost stock on the Common and in one instance had stock butchered on site.”*

1.4 We further stated (13/12/2017) in an additional response to a Discretionary Advice Service (DAS) request that recreational pressure was, *“perhaps the greatest risk resulting from an allocation*

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<sup>1</sup> Amec Foster Wheeler Environment & Infrastructure UK Limited (2017 March): DIO York Sites: Queen Elizabeth Barracks and Towthorpe AMTSC - Preliminary Ecological Assessment.  
(No longer available online)

*in this location”.*

1.5 The potential impacts of a development in this location through increased, uncontrolled, recreational pressure and other urban edge effects in this location were subsequently recognised by Amec Foster and Wheeler (December 2017)<sup>2</sup> in their “Information to support a Habitats Regulations Assessment”. It noted that recreational access to the Strensall Common SAC was already a serious issue. Furthermore it recognised when referring to the development of QEB (page 19) that it was inevitable that *“with such a sizable attractive open space in close proximity it is inevitable that some residents and their dogs would access the SAC.”*

1.6 As has been stated within the most recent Habitats Regulations Assessment of the City Of York Local Plan (Waterman 2020)<sup>3</sup> Natural England did not concur with the original HRA prepared on behalf of the City of York Council in April 2018. At the time (May 2018) Natural England stated it did not agree *“that adverse effects on integrity can be ruled out based on the evidence available”*, and that there was insufficient evidence provided in relation to recreational disturbance on Strensall Common SAC. At this time Natural England recommended once again that a *“robust and comprehensive visitor assessment will be necessary to determine whether the mitigation outlined in policy SS19 are adequate to offset the impact of the proposal and the wider impact of the plan and allocation H59 in particular”* (Natural England June 2018)<sup>4</sup>.

1.7 Consequently it can be seen that Natural England has had concerns regarding a housing allocation in this location since it was first proposed and has sustained these concerns throughout the Local Plan process.

## **2. Visitor Surveys**

2.1 In the absence of additional information being supplied by DIO Natural England welcomed the commissioning of a visitor survey work in June 2018 by City of York Council (City of York Council June 2018)<sup>5</sup>.

2.2 The consultants (Footprint Ecology) who undertook the work are nationally recognised as being specialists in assessing the impacts of recreational pressure on nature conservation sites and have provided advice both to Natural England and we understand DIO elsewhere in the Country. The methodology used in conducting the visitor survey was seen and commented on by both Natural England and DIO prior to the field work commencing.

2.3 Natural England received a draft report of the resulting visitor survey in January 2019 (Footprint Ecology - Liley & Lake 2018 draft which was updated in February 2019)<sup>6</sup> and subsequently met with City of York Council on 4 February 2019 to discuss its findings (Natural England February 2019)

2.4 The visitor survey identified the high level of public use that Strensall Common SAC already receives. It also provided compelling evidence that there would be a significant increase in visitors and associated recreation pressure on the SAC if the allocations ST35 and H59 were to be included within the Local Plan, both alone (18%) and in combination with other allocations (24%). The Visitor Survey concluded that a significant proportion of the increase would be associated with allocations closer to the SAC (0-500m) with the ST35 QEB and H59 allocations the most important contributors.

2.5 Based on the findings of this survey and the consideration within the survey report given to the

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<sup>2</sup> Amec Foster Wheeler Environment & Infrastructure UK Limited (2017 March): DIO York Sites: Queen Elizabeth Barracks and Towthorpe AMTSC - Preliminary Ecological Assessment. (No longer available online)

<sup>3</sup> Waterman Infrastructure and Environment Limited (2020 February): Habitat Regulations of the City of York Council Local Plan. (examination reference pending)  
<https://www.york.gov.uk/LocalPlanExamination>

<sup>4</sup> Natural England (June 2018) Update to the City of York Local Plan Habitats Regulations Assessment dated April 2018 including updated air quality evidence (examination reference EX/CYC/1)  
<https://www.york.gov.uk/LocalPlanExamination>

<sup>5</sup> City of York Council (June 2018) Council response to Natural England 19 June 2018 (examination reference EX/CYC/2)  
<https://www.york.gov.uk/LocalPlanExamination>

<sup>6</sup> Liley, D. & Lake, S. (Footprint Ecology). (2018): Visitor Surveys and impacts of recreation at Strensall Common SAC. (available online as Appendix C to Waterman Infrastructure and Environment Limited 2019)

effectiveness of mitigation measures that could be employed to mitigate for such an increase Natural England advised the Council (19 February 2020)<sup>7</sup> that it did not consider that it was possible to rule out an adverse effect on the integrity of the Strensall Common SAC resulting from the allocations currently included with the draft York Local Plan. On the basis of this advice and their own assessment of the Visitor Survey report City of York Council revised their Local Plan HRA and subsequently advised Natural England in March 2019 of their intention to remove the ST35 and H59 allocations from the Local Plan. Natural England agreed with this position in our response to the City Of York Proposed Modifications Consultation (June 2019) (response dated 22 July 2019) (CYC ID PM SID 0383 Natural England).

2.6 Since the publication of the Visitor Survey report Natural England have met with City of York Council and DIO to discuss the survey findings and explore possible mitigation measures that could be implemented. In October 2019 Natural England received a copy of DIO's submission to the York Local Plan Proposed Modifications consultation (Avison Young July 2019)<sup>8</sup>. This included a critique of Footprint's Visitor Survey report and put forward mitigation to ameliorate any increase in visitor pressure resulting from the development of QEB. Additional information relating to mitigation measures was provided in November 2019 (Avison Young et al November 2019)<sup>9</sup>.

2.7 Further Information was also submitted by the DIO shortly before the Public Hearing on Matter 1 Legal compliance which in addition to the Mitigation Measures report (Avison Young et al November 2019)<sup>8</sup> included;

- Information to support a Habitats Regulations Assessment (Wood November 2019)<sup>10</sup>.
- A further visitor survey undertaken by PCP (October 2019)<sup>11</sup>

2.8 The Information to support a Habitats Regulations Assessment contained within it; a Review of recreation use of the SAC and impacts of existing use (Appendix D) and a Comparison of PCP and Footprint Visitor Survey results – (Appendix E).

2.9 Natural England have also now received the following documents from City of York Council:

- City of York Local Plan; review of Hearing Statement from DIO relating to Matter 1 Legal Compliance (Footprint Ecology - Liley 2020)<sup>12</sup>.
- Habitats Regulations Assessment of the City of York Local Plan. February 2020 Draft (Waterman 2020)<sup>13</sup>

2.10 Natural England met with City of York Council and DIO representatives (02 December 2019) and would provide the following comments on these various documents.

### **3. PCP Visitor survey and PCP/Footprint Ecology Visitor surveys comparison.**

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<sup>7</sup> Natural England (February 2019) Lower Derwent Valley SPA/SAC & Skipwith Common SAC and Strensall Common SAC Visitor Surveys (examination reference EX/CYC/14d)  
<https://www.york.gov.uk/LocalPlanExamination>

<sup>8</sup> Avison Young (2019 July): Defence Estate Infrastructure Organisation Representations in Respect of City of York Council Proposed Modification to the York Local Plan (June 2019).  
(Not available online)

<sup>9</sup> Avison Young (2019 November<sup>1</sup>): Queen Elizabeth Barrack Strensall. Strensall Common Special Area of Conservation. Report on Mitigation Measures for the City of York Local Plan  
(available online as Appendix 1 in examination reference EX/MS/M1/LR/4)  
<https://www.york.gov.uk/LocalPlanExamination>

<sup>10</sup> Avison Young (2019 November<sup>1</sup>): Queen Elizabeth Barrack Strensall. Strensall Common Special Area of Conservation. Report on Mitigation Measures for the City of York Local Plan  
(available online as Appendix 1 in examination reference EX/MS/M1/LR/4)  
<https://www.york.gov.uk/LocalPlanExamination>

<sup>11</sup> Pickersgill Consultancy and Planning Limited (PCP) (2019 October): Strensall Common Visitor Survey Report. (available online as Appendix E in examination reference EX/MS/M1/LR/4)  
<https://www.york.gov.uk/LocalPlanExamination>

<sup>12</sup> Liley, D. (Footprint Ecology). (2020 February): City of York Local Plan; review of Hearing Statement form DIO relating to Matter 1, Legal Compliance. (examination reference pending)  
<https://www.york.gov.uk/LocalPlanExamination>

<sup>13</sup> Waterman Infrastructure and Environment Limited (2020 February): Habitat Regulations of the City of York Council Local Plan. (examination reference pending)  
<https://www.york.gov.uk/LocalPlanExamination>

3.1 Footprint Ecology (Liley 2020)<sup>14</sup> provides a detailed analysis of the PCP survey. The survey methodology for both surveys was broadly similar, the significant differences being highlighted by Liley (2020) and summarised in paragraph 4.25 of the revised City of York Habitat Regulations Assessment (Waterman 2020)<sup>15</sup>.

3.2 Although there are differences between the methodologies of the two surveys, both agree that allocations ST35/H59 both alone and in combination with other allocations to the north of York (within 7.5km of Strensall Common) would result in a significant increase in visitor pressure on Strensall Common SAC.

3.3 The data also shows the number of estimated visits dropping off considerably at 5km consequently it could be argued that allocations a distance greater than 5km could be discounted from having an impact upon visitor increase.

3.4 Both surveys estimate a potential increase in visitor pressure for all allocations of over 20% (Footprint 24% PCP 21.6% with allocations ST35 /H59 contributing 18% (Footprint) and 14% (PCP). This interpretation is also included in Wood (2019) (paragraph 6.4.41).

3.5 As can be seen there is some disparity between the two surveys in the visitor increase that can be attributed to the ST35/H59 allocations on their own. Footprint address these differences in their review of DIO's hearing statement (Liley 2020)<sup>15</sup>. Furthermore Liley's report also does an analysis using the combined Footprint/PCP data. This suggests that the percentage increase in visitor pressure resulting from allocations ST35/H59 is 14.6% (Table 2-paragraph 4.8).

3.6 Both the Footprint and PCP surveys also suggest that visitors to the Common SAC frequently use the site for relatively long walks. Footprint data suggesting an average (median) of 2.5km, PCP >3km (para. 4.7.10).

3.7 Visitor surveys also indicate that visitor usage to the SAC is 7 days a week and takes place over a wide time frame

3.8 It is important to emphasise that regardless of the current level of use, it is accepted that the development of ST35/H59 would see an increased level of recreational pressure on the Common, a point acknowledged by DIO themselves (Avison Young November 2019 - para 4.4)<sup>16</sup> stating that;

3.9 *"...we do accept that additional housing here (and elsewhere within the 7.5km isochrone referred to by Footprint) is likely to give an uplift in the use of the Common for recreational purposes. We also agree therefore that it is necessary and appropriate to consider how such use might be controlled or the risks/threats posed by such increased use could be mitigated."*

3.10 As stated above both visitor surveys conclude that the majority of increased use is likely to be from the ST35/H59 allocations.

3.11 As a result DIO have proposed a mitigation package which they consider is *"sufficient to mitigate for the risks that would result from the development of QEB and therefore there would be no adverse effect from QEB alone on the integrity of the SAC features"* (Avison Young November 2019)<sup>16</sup>. Natural England does not concur with this view and make the following observations on the information presented to support a Habitat Regulation Assessment and the associated mitigation measures suggested.

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<sup>14</sup> Pickersgill Consultancy and Planning Limited (PCP) (2019 October): Strensall Common Visitor Survey Report. (available online as Appendix E in examination reference EX/MS/M1/LR/4)

<sup>15</sup> Liley, D. (Footprint Ecology). (2020 February): City of York Local Plan; review of Hearing Statement form DIO relating to Matter 1, Legal Compliance. (examination reference pending)

<sup>16</sup> Avison Young (2019 November2) City of York Local Plan Examination Hearing Statement on behalf of Defence Infrastructure Organisation (PM SID 345) Matter 1: Legal Compliance (examination reference EX/MS/M1/LR/4) <https://www.york.gov.uk/LocalPlanExamination>

#### 4. Existing impacts

4.1 DIO in their submission state that there is no evidence of recreational disturbance is having an adverse effect on the integrity of the SAC. Natural England would dispute this. As DIO acknowledge recreational pressure is specifically highlighted in the Natural England's Site Improvement Plan <http://publications.naturalengland.org.uk/publication/6435201697710080> which states that:

*"Strensall is a largely open access site, with large numbers of the public visiting, many with dogs. This affects ability of site to be managed with current tenant farmer loosing stock each year to dog attacks. This has the knock on effect of threatening future agricultural management. If site was unable to be grazed this would adversely affect the wet and dry heath communities."*

4.2 Also as highlighted by City of York Council & Footprint the Strensall Conservation Group minutes (hosted and chaired by MOD) repeatedly refer to issues with recreational disturbance. A review of comments relating to recreational issues has been compiled by City of York Council (City of York Council 2020)<sup>17</sup> References to sheep worrying, wildfires, litter and other antisocial behaviour are frequent over the past 10 years.

4.3 We note that DIO in their submission also state that the last formal condition assessment concluded that much of the site was in favourable or unfavourable recovering condition. As correctly pointed out by Footprint (Liley 2020)<sup>18</sup> impacts directly attributable to public pressure would not necessarily be picked up by Natural England site condition assessments. Such assessments look at detailed vegetation composition and structure. That said, a site check undertaken in July 2019 did report a large (c.10ha) accidental fire to the north of the Common adjacent to the Flaxton Road and an additional fire site south of Horse Pasture (estimated grid reference SE650602). Fortunately in both these cases it was considered that long term damage was unlikely, the smaller fire site being limited to a small area, whilst the larger fire appeared to have been a rapid burn and it was considered that vegetation would recover relatively quickly.

4.4 That said, the impacts of fires on heathland should not be underestimated. Natural England (2006)<sup>19</sup> state that heathland vegetation can take many years to re-establish following a fire and can result in long term habitat change. Fires can also pose particularly threats to populations of animal species, e.g. invertebrate populations that are poor dispersers. This is particularly relevant at Strensall Common, which is the only English site for the Dark Bordered Beauty moth (*Epione vespertaria*) and whose population is extremely vulnerable at the present time.

4.5 DIO emphasise that the Dark Bordered Beauty moth is not qualifying feature of the SAC. However, it is Natural England's opinion that it should be regarded as a 'typical species' of the SAC habitat. Natural England's Conservation Objectives recognise that typical species of SAC habitats can be an important element of their structure, function and quality. The fact that the species is specifically referred to on the SAC citation and is referred to in the sites Conservation Objectives: Supplementary Advice means it should indeed be a consideration in any HRA as it makes a significant contribution to the SAC's overall integrity.

4.6 Finally it is important to recognise that whatever the existing impacts upon the SAC, consideration must be given to whether adverse impacts resulting from DIO's proposals in the future can be discounted.

#### 5. Mitigation Measures.

5.1 As stated above DIO acknowledge that additional pressure on the SAC will result from the development of QEB and as such put forward a range of mitigation measures.

5.2 Before considering individual mitigation measures put forward, however, Natural England would

<sup>17</sup> Defence Estates (2007): Minutes of The Strensall Training Area Conservation Group Meeting held on Friday 16 November 2007 (Appended to Waterman 2020, examination reference pending)  
<https://www.york.gov.uk/LocalPlanExamination>

<sup>18</sup> Liley, D. (Footprint Ecology). (2020 February): City of York Local Plan; review of Hearing Statement form DIO relating to Matter 1, Legal Compliance. (examination reference pending)

<sup>19</sup> Natural England (2006). Supporting documents, draft correspondence and information Within 400m consultation area:  
[https://webarchive.nationalarchives.gov.uk/20140605111944/http://www.naturalengland.org.uk/Images/under400m\\_tcm6-11010.doc](https://webarchive.nationalarchives.gov.uk/20140605111944/http://www.naturalengland.org.uk/Images/under400m_tcm6-11010.doc)

challenge the supposition that mitigation can be effective when considering a development such as ST35/H59 in immediate proximity to a designated site such as Strensall Common SAC.

5.3 There is considerable evidence that urban development surrounding lowland heathland SSSIs can have a deleterious effect on the quality of the features of interest. This can be through direct damage to habitats through physical damage to vegetation, compaction, erosion of soils, eutrophication of soils (dog fouling) fly tipping and increased risk of wildfires.

5.4 It is Natural England's view that the area within 400m of a designated site is where residential development is likely to have most impacts upon such sites

5.5 Key references relating to these issues can be found at;

[https://webarchive.nationalarchives.gov.uk/20140605111944/http://www.naturalengland.org.uk/regions/south\\_west/ourwork/heathlands/default.aspx](https://webarchive.nationalarchives.gov.uk/20140605111944/http://www.naturalengland.org.uk/regions/south_west/ourwork/heathlands/default.aspx)

5.6 This includes advice to prospective developers of sites within 400m (Natural England 2006)<sup>20</sup> which states:

*"It is Natural England's view, based on recent research into access onto heathlands and other factors, that the area within 400m of the European sites is where additional small scale residential development is likely to have the most substantial adverse effect on these sites; and where these effects cannot be mitigated."*

5.7 More recently in response to a small (10 dwellings) development proposal (East Hampshire County Council planning reference 25380/019) adjacent to Shortheath Common SAC in Hampshire Natural England (2019<sup>1</sup>) commented:

*"The vulnerability of interest features of the European heathland site to pressures from residential development leads Natural England to believe it is not normally possible to fully mitigate the adverse effect where the residential development is in close proximity to the European site. Given the immediate proximity of the development site to Shortheath Common SAC, it is difficult to envisage a circumstance where mitigation could be applied that fully removed the adverse effects associated with residential use of the application site."*

5.8 Consequently whilst DIO in their submissions (Avison Young et al 2019)<sup>21</sup> state that mitigation measure have been successfully employed elsewhere in the Country as Liley (2020)<sup>22</sup> points out these have largely been employed in situations where a development is proposed at a distance greater than 400m. Indeed many of the examples quoted by DIO in their submission refer to work actually undertaken by Footprint Ecology, which Footprint state in their review of DIOs submission has been taken out of context.

5.9 Natural England would particularly refer to section 6 of Footprints review of DIOs Hearing Statement (Liley 2020)<sup>22</sup> for a detailed analysis of the examples provided by DIO in Appendix F of their submission. We have however summarised what we consider to be shortcomings in DIOs analysis of the effectiveness of mitigation below.

## **5.10 Dorset Heathlands**

5.10.1 The policy from the adopted Poole Local quoted in Avison Young et al (November 2019)<sup>21</sup> clearly states that;

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<sup>20</sup> Natural England (2006). Supporting documents, draft correspondence and information Within 400m consultation area: [https://webarchive.nationalarchives.gov.uk/20140605111944/http://www.naturalengland.org.uk/Images/under400m\\_tcm6-11010.doc](https://webarchive.nationalarchives.gov.uk/20140605111944/http://www.naturalengland.org.uk/Images/under400m_tcm6-11010.doc)

<sup>21</sup> Avison Young (2019 November<sup>2</sup>) City of York Local Plan Examination Hearing Statement on behalf of Defence Infrastructure Organisation (PM SID 345) Matter 1: Legal Compliance (examination reference EX/MS/M1/LR/4) <https://www.york.gov.uk/LocalPlanExamination>

<sup>22</sup> Liley, D. (Footprint Ecology). (2020 February): City of York Local Plan; review of Hearing Statement form DIO relating to Matter 1, Legal Compliance. (examination reference pending)

“to ensure that heathland sites are not harmed, residential development involving a net increase in dwellings or other uses such as tourist accommodation;

(a) *Will not normally be permitted within 400m of a heathland.....”*

5.10.2 This is not, as suggested primary because of concerns with cat predation. Natural England’s position in relation to Dorset Heathlands is well documented.

5.10.3 Key pressures on heathland were summarised in our letter to Bournemouth Borough Council (2006)<sup>23</sup> relating to consultation areas around sites of Special Scientific Interest, in which we highlighted arson, recreational disturbance (including dog walkers and other uses) off road motor cycling/motor cycling, dumping of domestic waste in addition to predation and other factors were all listed as having a negative impact on sites

5.10.4 As stated in the latest Dorset Heaths planning Policy document (Dorset County Council et al 2015) (quoted by Footprint- Liley 2020<sup>24</sup>):

*“Natural England locally is concerned at the intensification of residential development in South East Dorset and the resultant pressures placed upon protected heathland by new occupants of these developments living in close proximity to the heathlands. These are similar to the impacts being observed within the Thames Basin Heaths Special Protection Area. Various studies have found that **public access to lowland heathland, from nearby development, has led to an increase in wild fires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion and disturbance by humans and their pets amongst other factors have an adverse effect on the heathland ecology.** (NE emphasis)*

*These effects, ...are most marked for development within 400m of heathland where Natural England advise that additional residential development is likely to have a significant adverse effect upon the designated site, either alone or in combination with other developments.”*

5.10.5 Furthermore Dorset County Council have recently consulted on an updated SPD (Dorset County Council et al 2020)<sup>25</sup>. This considered that restricting development with 400m is a “*Sound approach*” and states that:

*“...development proposals with 400m that fall within the ‘not permitted’ category .... would not be compliant with the avoidance and mitigation strategy of this SPD and therefore the competent authority would not be able to conclude that there was no adverse effect on the integrity of the Dorset Heathlands.”*

5.10.6 A net gain in residential dwellings is included in the not permitted category.

5.10.7 It is also important to note that this advice relates to sites which are designated solely as Special Areas of Conservation, not just Special Protection Areas e.g. Kinson Common SAC. This is important as it recognises the threat of development to heathland sites in general not just those identified for their bird interest.

## **5.11. Thames Basin Heaths**

5.11.1 As with the Dorset Heaths examples, a 400m zone within which development is not permitted

<sup>23</sup> Natural England (2006). Supporting documents, draft correspondence and information Within 400m consultation area: [https://webarchive.nationalarchives.gov.uk/20140605111944/http://www.naturalengland.org.uk/Images/under400m\\_tcm6-11010.doc](https://webarchive.nationalarchives.gov.uk/20140605111944/http://www.naturalengland.org.uk/Images/under400m_tcm6-11010.doc)

<sup>24</sup> Liley, D. (Footprint Ecology). (2020 February): City of York Local Plan; review of Hearing Statement form DIO relating to Matter 1, Legal Compliance. (examination reference pending)

<sup>25</sup> Dorset County Council (January 2020): The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document - Consultation Draft.

<https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/supplementary-planning-documents-and-guidance/all-of-dorset/dorset-heathlands-planning-framework.aspx>



is central to the Local Plan Policies for the authorities in the vicinity of this site. For example Surrey Heath Borough Council's; Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2019)<sup>26</sup>, states that a 400m buffer will be established around the SPA "...within which no net new residential development will be permitted". Although the Thames Basin Heaths are an SPA as opposed to SAC as at Strensall Common a 400 m buffer zone has been widely adopted given the difficulties of implementing successful mitigation measures in close proximity to heathland sites.

5.11.2 This is in fact recognised by the example quoted by DIO, text from the Hart District Council Plan (para 287) Avison Young (2019)<sup>27</sup> Appendix F para. 5.13) states "*It is not possible to mitigate impacts from development of new homes within the exclusion zone up to 400m linear from the SPA due to risks of fires , fly tipping, cat predation and other impacts.*"

5.11.3 Again this demonstrates the general acceptance of the difficulties in providing mitigation for development in close proximity to heathland sites.

## **5.12 Cannock Chase**

5.12.1 Once again as with both the Dorset and Thames Basin Heaths Local Plan policies refer to a 400m zone around the SAC, a point omitted by DIO in their submission. The Cannock Chase Local Plan 2014 referred to by DIO states that in accordance with the HRA of the Local Plan that it will aim to "*avoid new housing within 400m of SAC*".

5.12.2 The situation at Cannock chase is also very different to that at Strensall Common. Here the SAC lies within the wider Cannock Chase AONB and there is considerable open access land in the vicinity outside the SAC providing wider opportunities for mitigation beyond the 400m zone. The lack of additional access land at Strensall is a particular constraint to directing any new residents away from the SAC.

## **5.13 New Forest**

5.13.1 As described by Footprint the New Forest is not comparable with Strensall given its size and National Park Status and it is therefore not considered further.

5.13.2 From the examples provided by DIO in their own submission therefore it is apparent from planning policies and guidance elsewhere in the Country that mitigation for developments within 400m of a protected site is extremely difficult and that residential development is often prohibited in close proximity to designated sites.

## **6. Consideration of DIO mitigation proposals**

6.1 Natural England welcomes the efforts DIO have gone to in considering mitigations for the proposed development of QEII. Natural England also recognises the efforts DIO already go to in safeguarding both the SSSI and SAC and the partnership approach that DIO adopt in managing the site. The hosting of biannual Conservation Committee meetings and allocation of funding for conservation tasks and management are indicative of this.

6.2 This partnership approach is consistent with DIO's duties as a public (section 28G) body to:

*'take reasonable steps, consistent with the proper exercise of the authority's functions to further conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest'*

6.3 It is anticipated and hoped that this partnership approach will continue whatever the outcome of the current Local Plan Inquiry.

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<sup>26</sup> Surrey Heath Borough Council (March 2019) Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document.

<https://www.surreyheath.gov.uk/residents/planning/planning-policy/supplementary-planning-documents/thames-basin-heaths-special>

<sup>27</sup> Avison Young (2019 November2) City of York Local Plan Examination

Hearing Statement on behalf of Defence Infrastructure Organisation (PM SID 345) Matter 1: Legal Compliance (examination reference EX/MS/M1/LR/4)

<https://www.york.gov.uk/LocalPlanExamination>



6.4 DIO propose a number of specific mitigation measures in response to the Visitor Survey findings and concerns expressed by Natural England to the proposed QEB allocations. Natural England considers that there are weaknesses with the measures proposed as outlined below.

### **6.5 Enhanced signage/information.**

6.5.1 Signage is already present on the Common and it is understood that the tenant farmer erects additional signage relating to stock grazing at particular times of year. Whilst additional signage may have a role, it is not considered that given past experience that this would be effective at reducing disturbance and urban edge effects significantly.

6.5.2 It is relevant to note DIOs own experience of the effectiveness of signage. Amec Foster Wheeler (2017 – Appendix C)<sup>28</sup> notes:

*“Despite the installation of the RDA fence and the proliferation of **signage** around the site warning of the dangers associated with military training, issues with cyclist/walkers/dog walkers straying into the training area/ranges while live firing or other training is taking place is ongoing.”*  
(NE emphasis).

### **6.6. Provision of additional car park barriers:**

6.6.1 DIO have already considered that addition car parking barriers are necessary given the current level of use. It was minuted at the September 2019<sup>29</sup> Conservation meeting:

*“Chairman stated that he had received funding for gates and barriers for the 2 car parks. Decisions were being made as to the closure times but confirmed the gates would be closed in the evenings in order to prevent illegal activity taking place in them.”*

6.6.2 Natural England has recently formally assented the installation of these gates. Consequently given that it was deemed necessary by DIO to install these barriers for current usage this approach cannot be considered as mitigation for an anticipated increased public use of the SAC.

### **6.7 Wardening**

6.7.1 Wardening has a role in the management of public access and education on sites such as Strensall Common SAC. DIO currently have a range Training Safety Marshall who patrols the site on a part time basis to reduce antisocial activity. Wardening was also put forward as mechanism to counter irresponsible recreational on the site in the Natural England’s Site Improvement Plan (2014). However this was considered desirable to help address existing problems on the site and single warden as proposed by DIO (Avison Young et al 2019) is unlikely to be able to mitigate for the predicted increase in public use of the Common. Natural England considers that there may also be difficulties in ensuring such a warden was present in perpetuity.

6.7.2 As has already been stated the effectiveness of measures such as wardening in mitigating for increased usage within 400m of a designated site is questionable. The Dorset Heathland Planning Framework (2020)<sup>30</sup> only considers wardening as part of a mitigation strategy between 400m and 5km.

### **6.8 Managed Access**

6.8.1 It is assumed that this proposal suggests fencing off areas of the SAC primary for dog walkers, excluding stock. Such an approach can have a role and the creation of an area where dogs are

<sup>28</sup> Amec Foster Wheeler Environment & Infrastructure UK Limited (2017 December): DIO York Sites: Queen Elizabeth Barracks (QEB) – Information to support a Habitats Regulations Assessment.  
(No longer available online)

<sup>29</sup> Defence Estates (2007): Minutes of The Strensall Training Area Conservation Group Meeting held on Friday 16 November 2007  
(Appended to Waterman 2020, examination reference pending)  
<https://www.york.gov.uk/LocalPlanExamination>

<sup>30</sup> Dorset County Council (January 2020): The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document - Consultation Draft.  
<https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/supplementary-planning-documents-and-guidance/all-of-dorset/dorset-heathlands-planning-framework.aspx>

allowed off the lead at nearby Skipwith Common SAC to the south of York has assisted in reducing the number of dogs free running on the wider site. However, this has only been possible in that there is a discrete area of the site where SAC features are absent, the area being primary woodland. The area is also separated from the majority of the site by a road. This has meant that the creation of this area has not impacted upon wider grazing management or heathland communities on the site. The opportunities for such an area to be created at Strensall Common are limited particularly in close proximity to the QEB site.

6.8.2 Having specific areas fenced off for dog walking may also result in an additional cohort of dog walkers visiting the site. Natural England recently expressed concern regarding a proposal to create “dog parks” on and adjacent to the SAC specifically for dog walkers on these grounds. DIO also expressed concern regarding this proposal and refused permission for the creation of such areas.

6.8.3 If the proposal refers to wider fencing on the Common then this would also not be desirable on account of potential conflicts with grazing management. It is also likely that such a proposal may also be met by strong public resistance given past experience relating to fencing proposals.

### **6.9 Information packs for new residents**

Natural England does not consider that this would be an effective mitigation measure. Any impact is likely to be of a temporary nature and there is not guarantee that packs will be retained by existing residents or passed on to new residents on transfer of properties.

### **6.10 Public Open Space**

6.10.1 DIO currently propose 10.44ha of informal and informal public open space within the allocation areas. It should be noted that the allocation area already includes an element of open space e.g. around H59 allocation .

6.10.2 Natural England does not consider that this sufficient to divert potential residents from visiting the Common and or that it will act as “**Suitable Accessible Natural Greenspace**” SANG. This is the term given to green space that is of a quality and type that is likely to divert visitors away from sensitive sites such as Strensall Common SAC. As has been suggested previously there are limited opportunities to provide such open space in the vicinity of Strensall Common SAC. Given the presence of a large, attractive semi natural area of open space on the “door step” of any development of QEB it is difficult to envisage that it would be possible to provide appropriate SANG to mitigate for any increased visitor pressure. Indeed DIO themselves acknowledge that it is inevitable that that resident and their dogs would access the SAC.

6.10.3 Guidance on the provision of SANG in relation to heathland sites is provided by Dorset County Council (2020)<sup>31</sup>.

6.10.4 It is noted that in addition to the public open space already proposed that additional land may be released for public use if deemed necessary. It is noted however that the majority of the land proposed is associated with the Lambshill farmstead from which the tenant farmer operates. Loss of this land may significantly compromise the farmer’s ability to manage stock used to graze the SAC.

### **6.11 Residential layout**

6.11.1 Natural England notes that the majority of housing across the two allocations lies within 400m of the SAC. As outlined above in paras 5.4 to 5.8 we consider that development within 400m poses the greatest level of threat to the SAC from recreational and urban edge effects.

6.11.2 We concur with para 10.10 of the 2019 Footprint Ecology Visitor Survey report Survey (Liley,

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<sup>31</sup> Dorset County Council (January 2020): The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document - Consultation Draft.  
<https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/supplementary-planning-documents-and-guidance/all-of-dorset/dorset-heathlands-planning-framework.aspx>

D. & Lake, S. 2019)<sup>32</sup> which raises concerns regarding the viability of maintaining fencing in perpetuity and managing direct access onto Strensall Common SAC.

6.11.3 In addition we note that the proposed layout involves housing backing directly onto the common. We would be concerned about the potential for direct private access as well as urban edge effects such as littering and garden waste or even invasive species being introduced due to the proximity. The proposed layout is set out in Avison Young (2019 November<sup>2</sup>)<sup>33</sup>

## **6.12 Additional Fencing**

6.12.1 It is unclear what this additional fencing refers to. However as stated above additional fencing on the site has the potential to interfere with existing grazing management and is likely to be met with public resistance. The effectiveness of additional fencing for visitor management is therefore questionable.

6.12.2 As with signage it is worth considering DIOs own experience with visitors to the site ignoring fencing and entering training areas/ranges during live firing. It was on account of visitors ignoring existing fences and signage that DIO considered it necessary to install the current 6ft fence around the danger area it being considered (Conservation Group minutes November 2007):

*“...that since a sentry did not deter entry, and so ensure walkers did not walk into the area whilst firing was taking place a deterrent fence was required”.*

6.12.3 Finally, any additional fencing would need to be compliant with the Strensall Common Act. This refers to the “Common” being available for exercise and recreation when not being used for military purposes. It also places a limit on the area available for military infrastructure.

## **6.13 Making of New Byelaws (if required)**

6.13.1 Natural England does not dispute that the existing byelaws could be revised. Indeed DIO have been proposing to amend the existing byelaws for many years. There is a reference to the byelaws being reviewed in the March 2006 Conservation Group minutes and the matter has been raised regularly at Conservation Group meetings since this date, most recently in September 2019.

6.13.2 It is noted that whilst the possibility of reviewing byelaws is considered there is no commitment to this in the documents submitted by DIO.

6.13.3 Natural England does not therefore have confidence given the resources available to DIO that a review of byelaws is likely to be undertaken in the near future. Any review of byelaws would have to be subject to public consultation and DIO can therefore not guarantee that appropriate measures could be incorporated. Also even if the byelaws were to be reviewed their effectiveness is obviously dependent upon them being adequately policed and enforced. As stated above giving limitations on wardening and range marshalls this is open to question.

## **7. Information to Support a Habitats Regulations Assessment**

7.1 Natural England broadly welcomes the Information to Support a Habitats Regulations Assessment report which provides helpful evidence and analysis for the assessment of the City of York Local Plan.

7.2 We agree with the criticism of the 2019 Waterman Habitats Regulations Assessment of the modifications draft of the Local Plan that it fails to properly assess the recreational impacts on Strensall Common SAC of the wider plan, as identified in the 2018 Footprint Ecology Visitor Survey (Liley, D. & Lake, S. 2018)<sup>34</sup>, in an Appropriate Assessment.

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<sup>32</sup> Liley, D. & Lake, S. (Footprint Ecology). (2018): Visitor Surveys and impacts of recreation at Strensall Common SAC. (available online as Appendix C to Waterman Infrastructure and Environment Limited 2019)

<sup>33</sup> Avison Young (2019 November<sup>2</sup>) City of York Local Plan Examination Hearing Statement on behalf of Defence Infrastructure Organisation (PM SID 345) Matter 1: Legal Compliance (examination reference EX/MS/M1/LR/4)  
<https://www.york.gov.uk/LocalPlanExamination>

<sup>34</sup> Liley, D. & Lake, S. (Footprint Ecology). (2018): Visitor Surveys and impacts of recreation at Strensall Common SAC. (available online as Appendix C to Waterman Infrastructure and Environment Limited 2019)

7.3 However we disagree with the conclusions of the Information to Support a Habitats Regulations Assessment report regarding the potential impacts of recreational disturbance and urban edge effects as a result of allocations ST35 and H59. We do not consider that the mitigation measures proposed in the submission would be sufficient to rule out adverse effects on integrity on Strensall Common SAC as set out in this document.

7.4 Therefore, while we agree that the mitigation measures outlined have potential to mitigate for allocations put forward in the plan which are further away from Strensall Common than ST35 and H59, it would not be legally compliant for the Habitats Regulations Assessment to rely on mitigation secured through allocations for which adverse effects on the integrity of Strensall Common SAC cannot be ruled out.

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We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter please contact Merlin Ash at [Merlin.ash@naturalengland.org.uk](mailto:Merlin.ash@naturalengland.org.uk) or on 02080 266382. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

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