

Date: 20 November 2024
Our ref: 491100
Your ref: 4/21/2432/0F1



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BY EMAIL ONLY

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Dear Nick,

Planning consultation: 4/21/2432/0F1

Location: FORMER MARCHON CHEMICAL FACTORY, HIGH ROAD, WHITEHAVEN

Thank you for your consultation Natural England on the updated information for this application.

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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

Natural England agree with the conclusion of the shadow Habitats Regulations Assessment (HRA) in regard to potential impacts on the qualifying species of the Solway Firth Special Protection Area (SPA).

Natural England recommend that the Construction Environmental Management Plan is secured and that the parcel of land that is closest to the St. Bees Site of Special Scientific Interest (SSSI) is maintained as low input arable land to decrease the impact of recreational disturbance. Natural England also requires that the management of the site within the SSSI boundary does not change.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Habitat Regulations Assessment

Natural England note the results of the bird surveys and acknowledge the lack of use of the site by qualifying features of the SPA and SSSI. NE therefore agree that there is no adverse effect on integrity to the SPA and that the competent authority can adopt this HRA conclusion.

Natural England welcome the assurance that the development site will not encourage residents and dog walkers to walk directly onto the SSSI and by maintaining the site boundary will not increase direct access to the ECP from more entry locations than those already secured and assessed.

Priority Species – Birds

Natural England have provided the following link to aid the Local authority when determining this

application, [Wild Birds: advice for making planning decisions](#). Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006.

Natural England notes that there were seven priority species recorded as exhibiting territorial song and behaviour indicative of breeding within the site, with three of these species (Dunnock, Linnet and Skylark) having been confirmed as breeding within the site boundary. NE recommend that Cumberland as the competent authority take into consideration if there will be a loss of habitat and breeding land for these priority species.

Protected Landscapes

Natural England welcomes the inspectors report, which NE received from Inspector on the 9th of October. Specifically, paragraph 227, where the inspector refers to the Wagonway as a key cultural heritage feature and explains that the additional housing to the west of this boundary would sever the visual connection between the Wagonway and the proposed Heritage Coast extension.

NE have included our previous comments on protected landscapes below:

Natural England have reviewed the updates to the Landscape Visual Impact Assessment and agree with the new classification for Kells Farmland. As explained in our previous response, NE feel that a 'high value' should be given to the Kells Farmland due to its undeveloped nature and inclusion in the potential Heritage Coast extension.

After assessing the impacts to Kells farmland, NE agree that the impact will be severe and as shown in the Pano photo montages at the end of the Landscape report. NE acknowledge the location of the proposed Heritage Coast boundary, the Wagonway, and would classify the impact of housing towards the sea to be a severe impact to this pathway, while also extending the settlement boundary further west. As shown in the Pano montages the impacts from the housing to the west of the Wagonway are not mitigated by the natural slope in this area and are visible from all sides of the development while looking to the proposed heritage coast and the existing St Bees Heritage coast to the west.

Natural England agree with the proposed Heritage Coast boundary using the Wagonway and do not think it can be moved closer to the coastal line.

Cumbria Coast Marine Conservation Zone

The MCZ needs to be assessed for impacts from the development, particularly from surface water runoff from phase two. Evidence needs to be provided and assessed to determine whether there would be any risk of increasing contamination levels within the MCZ. Particularly, to examine whether development will exacerbate the current volume of run-off and identify whether the fault is still contaminated.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

If you have any queries relating to the advice in this letter, please contact me at Niamh.Keddy@naturalengland.org.uk

Yours sincerely

Niamh Keddy
Sustainable Development Senior Officer