Representations by the Royal Society for the Protection of Birds (RSPB)

General Comments:

**Biodiversity:**
Overall, we found the draft RSS to be concisely and clearly written. The policies and spatial strategy for biodiversity, overall, are good – they represent a significant move forward from the adopted RSS and particularly if compared to the public consultation draft of that document issued in April 2003. Our representations seek to improve these policies still further.

**Climate change:**
Unfortunately, the issue of climate change adaptation and mitigation remains a major area of concern to the RSPB. Despite the prominence of objectives h and i in policy 1, we believe there is a wide gulf between what the objectives and some policies say the Plan aims to do about climate change, and what will in fact result from implementation of many Plan policies – particularly the transport policies. To quote from the recent ‘Stern Report’, the investments made in the next 10-20 years could lock in very high emissions for the next half-century, or present an opportunity to move the world onto a more sustainable path. We consider that in many details, this draft RSS currently places the Region on course for the former, rather than the latter path. Reading across the RSS as a whole, it is far from clear that there is a coherent, consistent strategy for mitigating and adapting to climate change.

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**PART 1**

**Paragraph 14, Background – Objection**
Add biodiversity to the list of key issues affected by climate change in paragraph 14, third sentence, to strengthen the linkage between climate change and impacts on wildlife. A full rationale for this relatively minor change can be found in the Biodiversity Strategy for the East Midlands (section 2.2).

**Proposed changes:** Amend the third sentence of paragraph to read, “The effects of climate change, particularly in terms of water quality, flood risk and biodiversity, are also key issues.”

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**Policy 1 - Objection**
Generally, the RSPB welcomes and supports objectives b, f, g, h, i, and j of Policy 1. These high level objectives constitute an encouraging basis for strategic planning in the region and will help
protect and enhance biodiversity. Our main concern is that in a few cases, including climate change, the subsequent policies of the Plan are unlikely fully to deliver these aspirations and some actually run counter to these objectives. Where this is the case, we have commented further on specific policies.

We consider that Policy 1 can be improved in four ways:

1. Clarify that all of the objectives in policy 1 need to be met in an integrated way that delivers sustainable development.

Policy 1 and paragraph 1.3.1 currently do not state explicitly that the Core Objectives need to be met in an integrated way to achieve sustainable development. This is important because in some sectors, there has in the past been a tendency to ‘cherry-pick’ particular objectives and then claim that individual projects are sustainable because they contribute to a subset of the objectives.

2. Include specific, year-on-year targets under objective h to reduce greenhouse gas emissions across the major sectors identified by the UK Sustainable Development Strategy.

The draft RSS is vague about the level of reduction required in greenhouse gas emissions. This is a critical omission. The draft RSS must not assume that distant targets for reducing greenhouse gas emissions will be enough to avoid the most damaging impacts of climate change and that this problem can be deal with later. Current targets are set to slow the trend before reversing it at some future date. This approach is wholly inadequate. The problem is not merely that we might miss the 2050 target, but that the path we take to it could mean that even meeting that target turns out to be inadequate to prevent catastrophic climate change. The recently published ‘Stern Report’ notes, “The investments made in the next 10-20 years could lock in very high emissions for the next half-century, or present an opportunity to move the world onto a more sustainable path.” (Executive Summary, p.xxii).

The path taken between now and 2050 will have greater influence in determining the severity of future climate change impacts than the actual level of cut achieved by 2050. The more action is delayed now, the more stringent will be the action required in future. Using data from the International Panel on Climate Change, Friends of the Earth has calculated that if the UK is to make its fair share of reductions to prevent atmospheric concentrations of carbon dioxide reaching dangerous levels, we will need to cut emissions by 3% annually, to 2050. This level of cut needs to be reflected in policy formulation and decision making across the UK, including in the East Midlands.

Failure to undertake these measures from this point will mean, amongst other significant impacts on the Region’s environment, economy and quality of life, that biodiversity is placed under ever-increasing stress. Species are likely to go extinct in the Region, and valuable habitats lost, including internationally important examples like intertidal habitats on the Wash, and upland habitats in the Peak District.

3. Recognition of the implications of climate change for biodiversity.

The consultant’s Appropriate Assessment screening report recommends that an addition be made to the 5th bullet point of policy 28, regarding the need to help the region’s biodiversity move and adapt in response to climate change. Given the parlous overall state of the Region’s biodiversity,
the RSPB considers it would also be appropriate for the significance of climate change impacts on biodiversity to be recognised in Core Objective i. Further justification for this addition can be found in the Biodiversity Strategy for the East Midlands (section 2.2).

4. ‘Signposts’ to the main climate change-related policies in the RSS in the supporting text of policy 1.

The UK Sustainable Development Strategy (Securing the Future, May 2005) indicates that policies to reduce emissions fall under six broad sectors:

- the energy supply industry
- business
- transport
- households
- agriculture, forestry and land-use
- the public sector

The draft RSS has significant implications for all six of these sectors. The Region should promote carbon dioxide reduction policies across all these and consider the adoption of a separate Climate Change Action Plan which draws together strategic policy, partnership working and funding mechanisms to help deliver real cuts. The energy policy has a cross-cutting role to play across all these sectors. However, while the RSPB accepts that the draft RSS needs to be read as a single entity, it would be helpful if the overall strategy for climate change adaptation and mitigation in the Plan was more clearly signposted in the preamble to policy 1. We believe this would also highlight a number of major flaws in the Plan’s approach to climate change mitigation, most seriously in the Regional Transport Strategy. Paragraph 136 of the consultant’s non-technical summary of the Sustainability Appraisal favours such an approach, though the RSPB considers that carrying out a ‘climate-proofing’ assessment as suggested by the consultants would also be very useful.

Proposed changes:

1) Add the words, “in an integrated way:” to the end of the introductory clause of policy 1. This would reinforce the point that achieving sustainable development is about integrating environmental, social and economic objectives and not picking off individual objectives in isolation.

2) Amend Core Objective i as follows:

“i) To reduce the impacts of climate change, in particular the risk of damage to life and property from flooding and sea level change, the decline in water quality and resources, and the loss of biodiversity, through the location, design and construction of new development and landscape scale action to enable habitats and species to adapt to a changing climate.”

3) Revise the opening clause of Core Objective h as follows:

“h) To reduce the causes of climate change by achieving annual reductions in CO2 emissions of at least 3% per year, through:”

…etc.
4) Add a new paragraph to the background text in the Core Strategy to signpost the key elements of the strategy to reduce the causes and impacts of climate change. Such a paragraph could read:

“Climate change is now widely considered to be the most significant issue for the future of the Region, cutting across all land use sectors and affecting the East Midlands’ environment, economy and quality of life. Many policies in this plan specifically deal with climate change adaptation and mitigation in some way, and these need to be seen as part of an overall, coherent strategy to deal with a major long-term problem that demands an immediate and coordinated response. In particular, Plan users are referred to policies on:

- Promoting better design, (Policy 3)
- Enhancing biodiversity (Policy 28)
- Managing and increasing woodland cover (Policy 29)
- Water resources and quality (Policy 32)
- Energy (Policies 38 and 39)
- Transport (Policies 41-54)”

Policy 2 – Objection
While we are pleased to see that the sequential approach to development incorporates a criterion that recognises the biodiversity value of some sites (including brownfield sites) under part (2) of policy 2, we agree with the recommendations of the consultants who carried out the Appropriate Assessment (AA) screening report. Strengthening the sentence, “The following criteria should be considered:” to “…must be considered:” will help ensure a more rigorous approach to the assessment of all developments and thereby help achieve the Regional Plan’s objectives. Specifically in relation to Natura 2000 sites, there must be no room for doubt by Regional Plan users that the fourth bullet point is a legal requirement, rather than a recommendation or suggestion, and the policy should emphasise that both direct and indirect effects need to be considered, as recommended by the AA screening report.

Proposed changes: alter part 2 of policy 2 to read, “…The following criteria must be considered:”

Alter the 4th bullet point to read, “the direct or indirect impact that development could have…”

Policy 3 – Objection
The RSPB considers there is much to support in policy 3, including the aspiration to seek constant improvements in many key areas of sustainable design and construction. Current standards and practice in many of these areas are lamentably poor overall, and if the Region is to stand any chance of achieving development capable of withstanding the predicted effects of climate change and reducing the causes of climate change, this policy must be rigorously implemented. In this vein, we believe policy 3 needs to be further strengthened in the following two ways.

First, in the opening sentence, “…new development should be constantly improved…” needs to be changed to “…new development must be constantly improved…” to reinforce the urgent need for the Region to radically improve its performance in sustainable design and construction.

Second, although the principle of achieving operational carbon neutrality in all new urban extensions that require EIA is very welcome, this policy should not just apply to urban extensions.
By omission, the Regional Plan appears to accept that major developments or regeneration projects in city centres or other urban areas, major transport infrastructure works (e.g. new airport terminals, interchanges), major tourism or leisure developments, and major employment or industrial projects, do not need to bother with achieving operational carbon neutrality.

If the Regional Plan fails to include many more types of strategic development within the scope of this policy, the Regional Planning Body risks undermining the policy benefits of other parts of the Plan and failing to reduce the causes of climate change by minimising emissions of CO2 (policy 1(h)). It is worth noting that the conclusion of the Sustainability Appraisal (paragraph 54, non-technical summary) is actually wrong on this point – the Plan does not currently ‘aim for carbon neutrality in all development that requires an EIA’ (our emphasis).

**Proposed change:** in the opening sentence, “…new development should be constantly improved…” needs to be changed to “…new development must be constantly improved…”

The fourth bullet point of policy 3 should to be changed to read, “ensuring that all major developments that require EIA are operationally ‘carbon neutral’.”

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**Policy 6 – Objection**

The policy recognises and protects the Wash, Humber and Rutland Water SPAs. However, it fails to refer to the Gibraltar Point SPA as recommended by the consultant's Appropriate Assessment screening report.

**Proposed change:** Add “Gibraltar Point Special Protection Area” to the list of sites identified in the penultimate bullet point of policy 6.

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**Policy 7 – Objection**

The RSPB is very concerned that this policy appears to advocate measures that have the potential to adversely affect Natura 2000 sites. It is doubly worrying that the consultant’s Appropriate Assessment screening report does not recognise this potential problem in policy 7, when exactly the same issue has attracted comment and recommendations in the context of policy 42.

The issue is that several ports, notably Boston, sit inland from the Wash SPA/SAC and rely for “connections” to mainland Europe on channels dredged through the Natura 2000 sites. Paragraph 2.5.11 mentions “development of a network of short sea shipping routes”. The nature of these proposals and the possible implications for the Natura 2000 sites along the coast need to be clarified.

**Proposed change:** In the RSPB’s opinion, policy 7 must be included in an Appropriate Assessment of the Regional Plan, for the same reasons as policy 42 has been so recommended by the consultant’s screening report. The Appropriate Assessment may well suggest significant modifications are needed to this policy before its inclusion in an adopted Regional Plan.

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**Policy 8 – Objection**

The policy recognises and protects the Birklands and Bilhaugh SAC. However, it fails to refer to the South Pennine Moors SPA and SAC as recommended by the consultant’s Appropriate Assessment screening report.
**Proposed change:** add “South Pennine Moors Special Protection Area and Special Area for Conservation” to the list of sites identified in the penultimate bullet point of policy 8.

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**Policy 9 – Support**
The RSPB supports policy 9, as it recognises the requirement to protect and enhance the Natura 2000 sites of the Peak sub-area.

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**Policy 12 – Objection**
The Upper Nene Valley Gravel Pits are not a SAC.

**Proposed change:** policy 12 needs to refer to the Upper Nene Valley Gravel Pits as a proposed Special Protection Area, not as a Special Area for Conservation as it does at present.

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**Policy 13 – Support**
The RSPB welcomes the strong emphasis this policy places on the role of green infrastructure in addressing past environmental degradation and delivering sustainable communities.

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**Paragraph 3.1.2 – Objection**
Paragraph 3.1.2. should reflect Regional Core Objective G and draft PPS3 more closely regarding no net loss of biodiversity, and enhancement of biodiversity. Paragraph 7 of draft PPS3 makes clear that in determining the region’s level of housing provision and its distribution, regional planning bodies should undertake a sustainability appraisal and take into account the environmental, social and economic implications of development.

**Proposed changes:** Add a new bullet point under paragraph 3.1.2:

- “ensuring no net loss of biodiversity, and overall that housing development results in net gain for biodiversity and significantly contributes to the achievement of the regional biodiversity targets.”

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**Paragraph 3.1.17 – Objection**
Paragraph 3.1.17 should recognise the high value of some areas of previously developed land in the East Midlands for biodiversity, and reflect the caveat about the reuse of such land found in Annex A of draft PPS3. This emphasises the need to consider the contribution that previously developed land makes to nature conservation before automatically promoting redevelopment.

**Proposed changes:** Amend paragraph 3.1.17 to read, “It is recognised that … As a result, the national target of 60% of new housing development on previously developed land, whilst avoiding sites with high biodiversity value, should also apply at the regional level in the East Midlands.”

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**Diagram 3 – Support**
The RSPB welcomes and strongly supports the inclusion of Diagram 3, as awareness of the location of the Region’s nationally and internationally important biodiversity designations and other key areas for wildlife is critical to informed policy development and decision making.

**Paragraph 3.3.1 – Objection**
To fully meet the consultant’s recommendations in respect of policy 26, the RSPB proposes that a short additional section be added to the end of paragraph 3.3.1 to explain the requirement to consider indirect as well as direct effects on environmental assets, including Natura 2000 sites.

Proposed change: add new wording to the end of paragraph 3.3.1 that reads, “The natural environment, and the impacts that human activity can have on it, are extremely complex. Great care needs to be taken to investigate and assess direct impacts (e.g. land take, fragmentation) and indirect impacts (e.g. hydrological change and increased recreation pressure).”

**Paragraph 3.3.7. – Objection**
It is widely recognised that many aspects of biodiversity provide services or support to society. These can be environmental (e.g. flood protection from natural floodplains and coastal habitats) social (e.g. woodlands and uplands as a recreational resource) or economic (e.g. forestry and tourism). On the definition given in 3.3.7, therefore, “biodiversity” should be added to the list of water, air, soil and minerals which makes up environmental infrastructure.

Proposed changes: add “biodiversity” to the list of water, air, soil and minerals that makes up environmental infrastructure in paragraph 3.3.7.

**Policy 27 – Objection**
In general, the RSPB welcomes and strongly supports this new policy, which makes some very positive directions about not exceeding environmental limits. However, the third bullet point of policy 27 is worded strangely. If environmental infrastructure means the physical features and natural resources of the environment (paragraph 3.3.7), then it is difficult to see how water, air, energy, minerals and soil can be “provided and designed”. This needs altering so that it is much clearer about what local authorities etc are supposed to do, namely, to ensure that features of environmental infrastructure are protected and enhanced across the region, while recognising that they cannot always simply be ‘designed in’ like other infrastructure.

Proposed changes: Amend the third bullet point of policy 27 to read, “ensure that environmental infrastructure is considered in the provision and design of development, and enhanced through environmental capacity analysis at the same time as other infrastructure delivery requirements.”

**Paragraph 3.3.10 – Objection**
It would be helpful for paragraph 3.3.10 to reflect that the conservation of biodiversity has been recognised as an issue of global/international importance through, amongst others, the 1992 Convention on Biological Diversity and Countdown 2010, and that LDFs and other relevant documents should make this explicit in relation to caveats covering issues of national concern such as housing. It should also refer to the new ‘biodiversity duty’ imposed on all public bodies by the NERC Act 2006, as this has yet to enter wider ‘consciousness’.
Proposed changes:
Amend paragraph 3.3.10 to read, “Biodiversity means the full variety of living organisms and the interaction between them. Geodiversity is the variety of geological forms and processes. Conservation and enhancement of biodiversity is a key test of sustainable development. The conservation of biodiversity has been identified as an issue of global importance. National policies on biodiversity and geodiversity are set out in PPS9 and the PPS9 Companion Guide. The ‘Biodiversity Duty’ in section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 requires all public bodies to have a regard to conserving biodiversity in all its functions and decision-making. Regional Priorities for biodiversity are set out in ‘Putting Wildlife Back on the Map - A Biodiversity Strategy for the East Midlands’ (2006), produced by the East Midlands Biodiversity Forum and available at www.emra.gov.uk/a4e.”

Paragraph 3.3.13 – Objection
The first action under 3.3.13 needs more clearly to reflect the urgent need to enhance biodiversity (not merely achieve ‘no net loss’) and to make sure that development makes a positive contribution to achieving the targets for regional priority habitats laid out in Appendix 4 (rather than merely “not prejudice” them as set out in the fourth bullet point). The overall approach would then be more consistent with Policy 28. If our proposed changes are made to the first bullet point, the fourth bullet point (which is unambitious and negative) is unnecessary.

Proposed changes: reword the first bullet point under paragraph 3.3.13 to read:
• “ensure that development leads to a net gain in Biodiversity Action Plan habitats and species in the Region contributing to the achievement of the Regional Biodiversity Targets and that management of existing habitats is improved;”

Delete the fourth bullet point.

Paragraph 3.3.14 – Objection
This section could usefully include more guidance on the policy approach intended for Biodiversity Conservation Areas and Biodiversity Enhancement Areas – or at least indicate that Regional Plan users should refer to the Regional Biodiversity Strategy for further background and advice on appropriate objectives. In addition, it must be stressed that action for biodiversity on a local scale is not and must not be limited only to BCAs/BEAs – this important caveat in the Regional Biodiversity Strategy has not been carried across into the draft RSS very clearly.

Proposed changes: amend paragraph 3.3.14 as follows:
“New sites and key linking habitat corridors… Diagram 4 illustrates the strategic spatial priorities for conserving and enhancing biodiversity in the Region. Further guidance on these areas is found in the Regional Biodiversity Strategy for the East Midlands. However, action for biodiversity must not be restricted to BCA and BEAs, but must also be achieved across the Region in line with Local Biodiversity Action Plans (LBAPs).”

Diagram 4 – Support
The RSPB welcomes and strongly supports the inclusion of this diagram of regional spatial priorities for biodiversity conservation and enhancement, the absence of which we felt was a significant omission from the previously adopted RSS.
Policy 28 – Objection
While the RSPB welcomes and strongly supports this policy, it could be made even better in the following ways:
- We agree with the recommendations of the consultant’s Appropriate Assessment screening report, and suggest that a minor addition be made to the 5th bullet point regarding the need to help the region’s biodiversity move and adapt in response to climate change.
- Since the NERC Act ‘biodiversity duty’ does not just apply to BAP species and habitats, the policy should seek to ensure that development results in no net loss of “biodiversity” in the round. It should also require development proposals actively to enhance biodiversity, in line with PPS9.
- It should reflect the Sustainability Appraisal recommendation no.78 to give local biodiversity more consideration. This could be done (in tandem with other suggestions we have made) in policy 28 by the addition of a new bullet point as set out below.

Proposed changes: Amend policy 28 as follows:

Amend 5th bullet point to read:
- “creating, protecting and enhancing features of the landscape which act as corridors and ‘stepping stones’, essential for the migration and dispersal of wildlife and for their adaptation to climate change;”

Amend 6th bullet point to read:
- “development and implementation of mechanisms to ensure that development results in no net loss of biodiversity BAP habitats and species, particularly for restricted habitats and species with special environmental requirements, and that overall development results in a net gain in BAP habitats and species is achieved;”

Add an 8th bullet point as follows:
- “Full consideration of biodiversity at an early stage in all relevant policy and decision-making processes, including LDFs, Community Strategies, and Local Area Agreements.”

Policy 29 – Objection
The RSPB broadly supports policy 29 as there are important links to biodiversity through woodland protection and enhancement. However, we believe the policy needs to be strengthened in several important respects:

- The second sentence of the second clause implies all woodland that is unavoidably lost, is capable of replacement with woodland of equivalent value. Plainly, this is not true of ancient semi-natural woodland (ASNW). ASNW sites are irreplaceable - the interactions between plants, animals, soils, climate and people are unique and have developed over hundreds of years. These eco-systems cannot be re-created and ASNW is our richest habitat for wildlife, being home to more species of conservation concern than any other habitat (some 232 species as outlined in the UK BAP). In the East Midlands, ancient woodland cover is even lower than the national average, at only 1.49% of the land area. It is therefore essential that this habitat is strongly protected from further loss. While later in policy 29 there is a strong direction to protect ASNW habitats in LDFs, this qualitative distinction should be made much clearer and
The policy should require compensation at much more than just like-for-like replacement in terms of habitat area, in order to counter-balance the high degree of uncertainty and significant time lag (which is particularly lengthy for woodlands) inherent in any compensatory habitat creation scheme.

- The policy should refer to the need to restore ancient woodland that has been replanted with non-native conifers. This is a major issue in the East Midlands, with 11,240 hectares of replanted ancient woodland covering 0.72% of the land area. Restoration of this ancient woodland has the potential to significantly enhance the biodiversity value of woodland within the region and its potential for providing wider public benefits, particularly where it is open to the public.
- The policy should also support the use of native, local-source tree stock for all new tree planting to optimise its biodiversity value and contribute to the delivery of local and regional biodiversity targets.
- It should deliver regional as well as local BAP targets.

Proposed changes:
- Alter the second clause of policy 29 to read, “…archaeological interest. The loss of or damage to ancient semi-natural woodlands should not be permitted. Woodland unavoidably lost to development should be replaced with new woodland of greater area and (as far as possible) equivalent ecological value, preferably in the same landscape unit. Preference should be given to creating ‘new native woodland’ as defined in Forestry Commission’s Bulletin 112, using native, locally sourced stock wherever possible.”
- Amend the final bullet point of the third clause of policy 29 to read, “delivering regional and local Biodiversity Action Plan targets.”
- Add a sentence to the end of the fourth clause of policy 29 as follows, “…There should be a general presumption against the conversion of any woodland to other land uses unless there are overriding public benefits, and opportunities to restore ancient woodland that has been planted with non-native conifers should be taken wherever possible.”

Policy 33 – Support
The RSPB welcomes and strongly supports policy 33, as it recognises the unique character of the Region’s strategic river corridors and promotes their multi-functional benefits including for wildlife.

Policy 34 – Support
The RSPB welcomes and strongly supports policy 34, as it recognises the unique value of the Region’s coast and the urgent need for integrated coastal zone management to secure the future of one of the East Midlands most significant natural assets.

Policy 35 – Support
The RSPB welcomes and strongly supports policy 35, as it recognises and promotes greater synergy between schemes for flood risk management, and opportunities for conservation and enhancement of floodplain biodiversity.
Policy 36 – Support
The RSPB welcomes and strongly supports the final bullet point of policy 36, as it recognises the potential for minerals restoration schemes to contribute significantly to Regional habitat creation targets.

Policy 42(i)(E3) – Objection
The RSPB is very concerned that this policy appears to advocate measures that have the potential to adversely affect Natura 2000 sites. The consultant’s Appropriate Assessment screening report flags up this potential problem.

The issue is that several ports, notably Boston, sit inland from the Wash SPA/SAC and rely for “connections” to mainland Europe on channels dredged through the Natura 2000 sites. Earlier, paragraph 2.5.11 of the Regional Plan mentions “development of a network of short sea shipping routes”. The nature of these proposals and the possible implications for the Natura 2000 sites along the coast need to be clarified.

Proposed change: In the RSPB’s opinion, policy 42 must be included in an Appropriate Assessment of the Regional Plan. The Appropriate Assessment may well suggest significant modifications are needed to this policy before its inclusion in an adopted Regional Plan.

Please also refer to our objection to policy 7, which clearly has similar implications for Natura 2000 sites but worryingly, does not seem to have been identified as a potential issue in the consultant’s Appropriate Assessment screening report.

Policy 54 – Objection
The RSPB is concerned that the draft RSS supports major airport expansion at NEMA that will result in significant increases in regional greenhouse gas emissions from aircraft. This runs a high risk of undermining other RSS policies to reduce greenhouse gas emissions from road-based transport. The ‘operational development’ to which policy 54 alludes is likely to mean growth from 4.3 million passengers per year in 2004 to 9.2 million by 2016, and from 279,000 tonnes freight in 2004 to 1.2 million tonnes in 2016 (based on the draft NEMA masterplan).

The overwhelming weight of scientific evidence now suggests that the East Midlands faces rapid and severe climate change that will have a huge impact on the region’s biodiversity, not to mention the economy and our quality of life. The ability of wildlife to adapt to climate change in the East Midlands is already under severe strain due to the fragmented nature of our semi-natural habitat areas and the low overall area. It is at best contradictory for the RSS to ignore the implications of aviation growth, while trying to reduce greenhouse gas emissions elsewhere, protect diminishing wildlife habitats (including coastal habitats under pressure from sea-level rise), and cope with increasingly severe water shortages that threaten many other valuable wildlife habitats. Further information about the potential impact of climate change on the Region’s biodiversity can be found in section 2.2 of the Regional Biodiversity Strategy.

Paragraphs 133 and 135 of the Sustainability Appraisal (non-technical summary) contain important warnings that the current RSS policy on expansion at NEMA is inherently unsustainable.
and risks undermining efforts elsewhere to reduce the causes of climate change. These need to be heeded.

While the RSS alone cannot force a change in the Government’s national airports policy, at the very least it should make the wider environmental costs of doubling passenger capacity and quadrupling freight capacity at NEMA in just 10 years, explicitly clear. It should also send an equally clear message to national Government that a new approach to aviation is required if the region (and the UK as a whole) is to have any chance to avoid catastrophic climate change.

Finally, the RSPB is deeply concerned at the idea that regional and local land use policy should be partly based on the business plan of a private sector organisation (i.e. NEMA). LDFs and LTPs should no more be required “to have regard to the NEMA masterplan” as set out in the final bullet point of policy 54, than they should the business plans of a supermarket chain, telecommunications operator or distribution haulier.

Proposed changes:
- The explanatory text to policy 54 should clearly set out exactly what level of NEMA operational expansion is ‘supported in principle’ (paragraph 3.4.36), with reference to the final NEMA masterplan (when published).
- The likely implications of this expansion for the Region’s stated objective (h) (‘to reduce the causes of climate change’) also need to be made explicitly clear in the preamble to policy 54.
- The RSS should make clear that there is scope for an early review of aviation policy in the region as soon as the Government allows this to take place.
- The final bullet point of policy 54 should be deleted.

Appendix 4: Regional Habitat Targets – Objection
Ahead of the England Biodiversity Strategy targets review, the East Midlands Regional Biodiversity Forum proposed interim modifications to the regional habitat targets found in Appendix 4. These were incorporated in the consultation draft RSS, which we welcome. The England Biodiversity Strategy targets review is now complete and we are now able to advise of further appropriate modifications to these targets in light of this work. The RSPB endorses the proposals made by the Regional Biodiversity Strategy, which should be incorporated into the RSS forthwith.

PART 2

Northern SRS paragraph 7.12 – Support
The RSPB is very pleased to see the reference in 7.12, under the Northern Sub-regional Strategy, to the internationally important woodlark and nightjar populations of Sherwood Forest and the possibility that the area may be designated as a Special Protection Area. This reference should be retained without modification, as it is important context for Northern SRS policy 5 and SPA designation is likely to take place within the Regional Plan period.

Comments on Appendix D of the Sustainability Appraisal – Appropriate Assessment screening report, preliminary findings
The screening report for the Appropriate Assessment (AA) of the Regional Plan is reasonably good, as far as it goes. However:

- At present the AA screening stage is only half done – no AA screening has been done of part 2 (sub-regional) policies yet, and we find no information in the Regional Plan or Appendix D to indicate when this might be carried out relative to the process of consultation and (eventually) examination now under way.

- Appendix D only reports the consultant’s findings for Part 1 policies where it was felt there was a likelihood of an impact on Natura 2000 sites. The RSPB is concerned that we are unable to comment on the consultant’s reasoning for excluding policies from further consideration for AA. We believe at least one policy likely to have an adverse impact on Natura 2000 sites has been overlooked (policy 7 – refer to our objections relating to policies 7 and 42(i)(E3)).

Colin Wilkinson
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19 December 2006