

## **Pendle Core Strategy Plan Examination – Written Statement on behalf of the Lancashire Wildlife Trust, 18 March 2015**

### **Session 3 – 14.00 Tuesday 14 April 2015 Matter - The Environment, Design and Energy**

The purpose of this session is to consider whether the policies of the CS on the built and natural environments and design are justified and will be effective.

Policies ENV1 to ENV7 deal with a range of environmental and design issues whilst there are separate policies on the design of homes, places of work and public places.

#### **Issues**

1. Will the policies of the Plan be effective in protecting the natural and built environment? Does Policy ENV1 provide sufficient distinction between different levels of designation (paragraph 113 of the Framework refers)?
2. Have biodiversity and green infrastructure considerations been fully taken into account in preparing the Plan, including cross boundary wildlife sites and networks?
3. Does Policy ENV2 sufficiently promote and reinforce local distinctiveness such as that arising from the Leeds-Liverpool Canal?
4. Are the requirements for sustainable design within the policies of the Plan such as Policy ENV2 too prescriptive and likely to affect the viability of new development? Are there any implications for the wording of Policy ENV2 from the Government's announcement about possible exemptions for small builders from low carbon/zero carbon requirements?
5. Is the strong encouragement for the use of Building for Life standards justified?
6. Is the plan sufficiently clear on what is expected from developers in terms of sustainable design/construction measures? Are any such measures consistent with the Government's zero carbon buildings policy and nationally described standards?

#### **Main Evidence Base**

CD/08/06 – Pendle Biodiversity Audit

CD/08/17 – Forest of Bowland AONB Management Plan

CD/08/20 – Renewable and Low Carbon Energy Study

CD/10/01 – North West Best Practice Design Guide

#### **Session 3, Issue 1 (part 1 of 2). Will the policies of the Plan be effective in protecting the natural and built environment?**

**Policies SDP 3, SDP 4, SDP 5, ENV 4, ENV 5, ENV 6, ENV 7, LIV 1, WRK 1 and WRK 4 do not make any provision for protecting the natural and/or built environment.**

*According to SDP 1 planning applications will be “assessed against the policies in the National Planning Policy Framework taken as a whole” or “Specific policies in that Framework indicate that development should be restricted”.*

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SDP 2 states that “*The allocation of land for development in the Pendle Local Plan Part 2: Site Allocations and Development Policies will follow the sequential approach and prefer land of lesser environmental value*” but SDP 2 does not have the Pendle Biodiversity Audit as a Key Linkage.

Through SDP 6, new development will be expected to “*contribute towards the mitigation of any adverse impacts in order to make the development acceptable in planning terms*” and the Pendle Biodiversity Audit is a Key Linkage.

ENV 2 states that “*Proposals should protect or enhance the natural environment*”.

ENV 3 states that development “*will not result in an unacceptable impact on the value of any ecological or heritage assets*”.

LIV 2 requires that “*a high quality landscaping scheme is developed incorporating the natural features of the site*”.

LIV 3 cross-references Policies LIV4 and LIV5 and, in addition, LIV 3 states that Gypsy and Traveller communities should “*Be located and designed to respect the amenity and environment of the existing settled community*”, but this requirement does not apply to the other examples of Specific Housing Need.

LIV 4 requires Rural Affordable Housing to “*show that any potential impact on the environment can adequately mitigated*”, but this requirement does not apply to Affordable Housing elsewhere.

LIV 5 does not make any provision for protecting the natural and/or built environment but states that “*Provision for open space and/or green infrastructure should be made in all new housing developments*”. In addition, for open space/green infrastructure in Rural Pendle “*linkages should be made to the surrounding countryside*”, but this requirement does not apply to urban areas.

WRK 2 states that “*Outside the built-up areas new employment development will be supported where it ... 7. Does not have an adverse impact on the natural environment, in particular designated sites of international, national or local importance*”, and “*8. Makes a positive contribution to the protection, enhancement, conservation or interpretation of our natural environment and built heritage*”, but these requirements do not apply to the M65 Corridor and West Craven Towns.

WRK 3 requires that “*A high quality landscaping is developed, incorporating and enhancing natural environmental features, where appropriate*”.

WRK 5 requires that proposals “*will not have a significant detrimental effect on the environment ...*”

WRK 6 cross-references Policy ENV2.

SUP 1, SUP 2, SUP 3 and SUP 4 cross-reference Policy ENV2.

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The opinion of the Wildlife Trust is that the policies in the Core Strategy could be improved by being consistent in respect of protecting the natural and built environment through insertion of appropriate wording and/or cross-referencing.

**Session 3, Issue 1 (part 2 of 2). Does Policy ENV1 provide sufficient distinction between different levels of designation (paragraph 113 of the Framework refers)?**

Policy ENV1 refers to “*sites which have been designated for nature conservation purposes, including areas of ancient semi-natural woodland*” but does not make any reference to the hierarchy of sites that occur in Pendle, which are listed in 8.14. The policy could be improved by referring to the hierarchy of sites and/or a cross-reference to 8.14. It is noted that paragraph 118 of the NPPF refers to ancient woodland specifically as an example of an irreplaceable habitat.

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**Session 3, Issue 2. Have biodiversity and green infrastructure considerations been fully taken into account in preparing the Plan, including cross boundary wildlife sites and networks?**

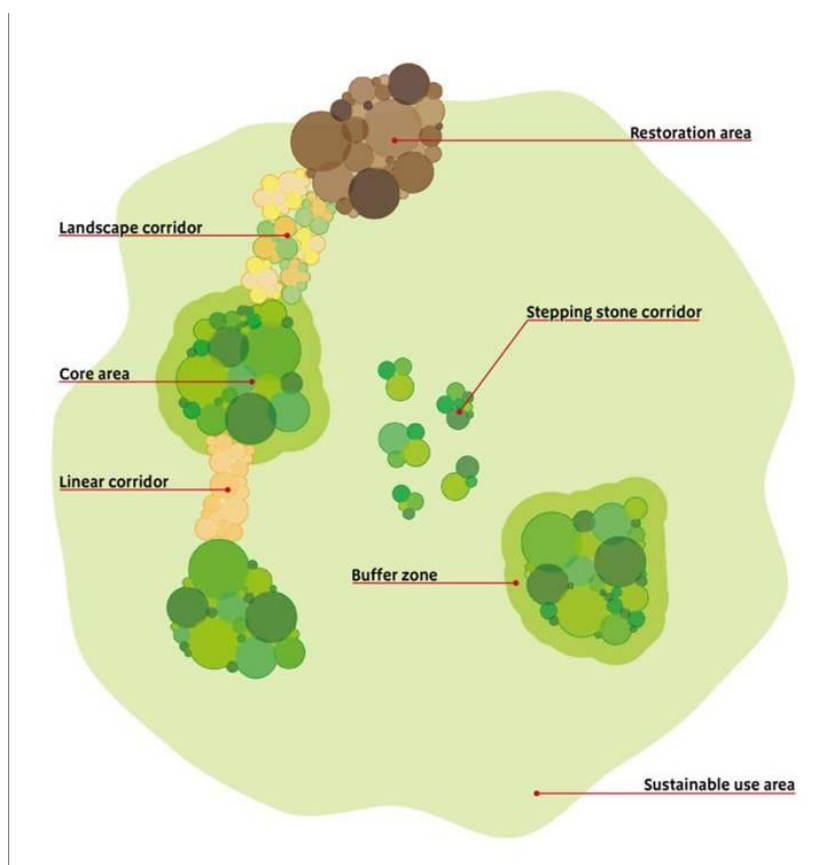
The opinion of the Wildlife Trust is that Biodiversity and green infrastructure considerations, including cross boundary wildlife sites and networks, have not been taken fully into account in preparing the Plan. The natural environment (which includes biodiversity, ecological networks, green infrastructure and Local Sites - geodiversity and/or wildlife sites) is not listed in 3.139 – 3.140 as a cross boundary issue. The Wildlife Trust cannot see any evidence of joint working with adjacent authorities on cross boundary wildlife sites and/or ecological networks presented in the Core Strategy to date.

The word 'Biodiversity' occurs in paragraphs 7, 9, 81, 99, 109, 114, 117 and 118 of the NPPF.

Paragraph 7 refers to the “*need for the planning system to perform a number of roles*”, which includes “*protecting and enhancing our natural, built and historic environment*” and “*helping to improve biodiversity*”. Policy ENV1 states that “*The biodiversity and geological assets of the borough will be protected and enhanced*”.

Paragraph 9 states that “*Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment*”, which includes “*moving from a net loss of bio-diversity to achieving net gains for nature*<sup>6</sup>”. Strategic Objective 10 is “*Ensure that new development respects our natural and man-made heritage, by seeking to protect, maintain and enhance those sites and habitats which are valued for the positive contribution they make to the character of our landscape, townscape or biodiversity*”. Policy ENV1 states that “*The biodiversity and geological assets of the borough will be protected and enhanced, with specific protection given to those sites which have been designated for nature conservation purposes*” and “*The impact of new developments on the natural environment (biodiversity and geodiversity) should be kept to a minimum*” and “*Support will also be given to the creation and/or restoration of habitats as part of a development proposal. In particular, encouragement will be given to the planting of new, native woodland...*” The emphasis in the Core Strategy appears to be on protecting and enhancing existing assets at/on the sites that are/will be subject to planning applications, rather than achieving or providing net gains for nature both on site, in the vicinity of the application sites and in Pendle as a whole, as is implicit in Footnote 6 is the Natural Environment White Paper (2011), which includes the following diagram:

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It is not clear that ‘net gains for nature’, as implied by the Natural Environment White Paper will be delivered, where possible, across the suite of Core Areas in Pendle (i.e. sites which have been designated for nature conservation purposes, referred to in ENV 1), buffer zones, landscape corridors, linear corridors, stepping stone corridors, in the wider landscape (referred to as ‘Sustainable use area’, which is in effect the rest of the Borough) and in ‘Restoration areas’.

According to paragraph 81, “Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to ... retain and enhance landscapes, visual amenity and biodiversity” but there is no specific reference to biodiversity in the Green Belt in the Core Strategy. The opinion of the Wildlife Trust is that retention and enhancement of biodiversity can be delivered by most types of development that are allowed in the Green Belt.

For paragraph 99, see 8.17, 8.18 and ENV 2 in the Core Strategy.

Paragraph 109 states that “The planning system should contribute to and enhance the natural and local environment by... minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”. According to Policy ENV1 “The Council will work with its partners, where appropriate, to help establish coherent ecological networks across the borough ... including

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*across administrative boundaries*”, but no evidence is presented in the Pendle Biodiversity Audit or the Core Strategy to date.

According to paragraph 114, “*Local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure...*” Policy ENV1 refers to establishing coherent ecological networks across the borough **but no evidence has been presented to date**. 8.33 states that “*To ensure that the biodiversity and geological assets of the borough are protected and enhanced it is important that new development respects the status of different landscapes, ecological sites, key species and habitats*”. 8.34 states that “*Development proposals of all types should prevent harm and have regard to the potential to add value to, and enhance the existing ecological networks*” and according to 8.35, “*Where appropriate the creation and/or restoration of habitats may form part of a development proposal*”. **In addition to the requirements in 8.33-8.35, ongoing habitat management requirements also need to be addressed through planning conditions or legal agreements.**

Paragraph 117 states that “*To minimise impacts on biodiversity and geodiversity, planning policies should:*”

- (a) “*plan for biodiversity at a landscape-scale across local authority boundaries*”. Policy ENV1 states that “*The Council will work with its partners, where appropriate, to help establish coherent ecological networks across the borough, by identifying gaps between habitats and promoting opportunities to provide links for species migration, including across administrative boundaries*”, **but no evidence is presented in the Pendle Biodiversity Audit or the Core Strategy**, and
- (c) “*promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan*”. The indicators under ENV 1 include:
- EN05 “*Amount of land designated for biodiversity importance and its condition (including changes in area and condition) by: -Type of designation*”, and
  - EN06 “*Number of new developments completed which incorporate beneficial biodiversity features*”.

**There are no priority habitat or species indicators identified in Appendix A. A surveillance mechanism for monitoring priority habitats or species is not proposed in the Core Strategy.**

In respect of paragraph 118, Policy ENV1 states “*The biodiversity and geological assets of the borough will be protected and enhanced, with specific protection given to those sites which have been designated for nature conservation purposes, including areas of ancient semi-natural woodland*” and “*The impact of new developments on the natural environment (biodiversity and geodiversity) should be kept to a minimum. In exceptional cases where a development, including the extraction of minerals, is deemed necessary in socio-economic terms, but would*



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*have a negative impact on the natural environment, the developer will be required to undertake adequate mitigation measures. The Council will require that full compensatory provision is made where mitigation is not possible". ENV 1 also states "The Council will support development proposals that design and incorporate beneficial biodiversity features into their developments. These may include: ponds, wild gardens, native species planting and habitat creation. Support will also be given to the creation and/or restoration of habitats as part of a development proposal".*

In addition, paragraph 113 states that *"Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks".* Paragraph 7.29 of the Core Strategy states that *"In line with the Framework, the Allocation of sites should prefer land of lesser environmental value and should follow the sequential approach".* The hierarchy of wildlife sites is set out in 8.14, with key habitats listed in 8.15. Paragraph 8.34 states that *"Ecological networks are an important method of helping to conserve our wildlife assets, allowing for species migration across the borough. It is important to ensure that there are connections between the core biodiversity sites and habitats, as appropriate, to allow species to move freely between them in order to feed, disperse, migrate or reproduce. This is seen as a key in providing future resilience to the potential impacts of climate change. Such connections do not have to be a continuous linear habitat, but can be a series of smaller isolated sites which species can use as stepping stones between the core areas. It is this network of core sites connected by buffer zones, wildlife corridors and stepping stones which is known as an ecological network (Lawton et al). Development proposals of all types should prevent harm and have regard to the potential to add value to, and enhance the existing ecological networks".* However, ecological networks are not presented in the Pendle Biodiversity Audit or the Core Strategy.

Paragraph 117 also states that *"To minimise impacts on biodiversity and geodiversity, planning policies should:"*

- (b) *"identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation".*

However, the ecological networks identified and mapped in Lancashire\* are not referred to in the Core Strategy, hence the Wildlife Trust assumes that they will be incorporated onto a map in the Local Plan in due course.

\* In 2013 the Local Nature Partnership for Lancashire, with funding from Natural England, commissioned Lancashire County Council and Lancashire Wildlife Trust to identify and map ecological networks in Lancashire.

Paragraph 152 states that *"Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable*

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*development, and net gains across all three*". Net environmental gains are not specified in the Core Strategy. This reinforces the need for an environmental / ecological strategy for the borough – not just biodiversity and open space audits.

According to Paragraph 158, *"Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area"* and paragraph 165 states that *"Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area including drawing, for example, from River Basin Management Plans. Working with Local Nature Partnerships where appropriate, this should include an assessment of existing and potential components of ecological networks"*. I could not find references to the adequacy of survey data (habitats and species), hierarchy of sites, corridors, stepping stones and areas identified for habitat restoration or creation. I could not find any reference to the Lancashire and/or South Pennines Local Nature Partnerships that cover Pendle in full and in part, whereas the Lancashire Enterprise Partnership is referred to in 2.29 and 2.31.

Paragraph 165 also requires that *"A sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors"*. A sustainability appraisal of the Core Strategy is presented but biodiversity is not fully covered in the environment issues section and key sustainability issues do not refer to conservation and enhancement nor moving from a net loss in bio-diversity to net gains in nature.

According to paragraph 166 *"Local Plans may require a variety of other environmental assessments, including under the Habitats Regulations..."* A Habitat Regulations Assessment Screening Report (2010) has been produced for SSSI, SAC and SPA network but the Sustainability Appraisal of the Core Strategy (2011) does not cover impact on Habitats and Species of Principal Importance in England, ecological networks, wildlife corridors, stepping stones and/or areas identified for habitat restoration or creation.

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