

Rossendale Local Plan Examination

MATTERS, ISSUES AND QUESTIONS (MIQs)



Matter 16 - Environment

Issue – are the environment policies positively prepared, justified, effective and consistent with national policy?

[Policies ENV1-ENV10]

Questions

a) Are the requirements for a development brief or design code and health impact assessment set out in Policy ENV1 justified? Is it clear when these requirements will be triggered? Have the implications for site viability and deliverability been considered?

Are the requirements for a development brief or design code and health impact assessment set out in Policy ENV1 justified?

16.1 The National Planning Policy Framework (NPPF) highlights the importance of well-designed places and encourages planning policies to “achieve healthy, inclusive and safe places” by promoting social interaction, ensuring places are safe and accessible, and supporting healthy lifestyles.

16.2 The Planning Practice Guidance (PPG) on Design further explains how planning policies and decisions should ensure that development proposals promote local distinctiveness, create safe streets, provide good quality access to public spaces and Green Infrastructure, prevent crimes, protect crowded places, create inclusive environment, support an efficient use of natural resources and strengthen social cohesion.

16.3 Also, PPG suggests that design codes can be used for large scale, complex, long-term development, especially those involving different parties, but can also be used for minor developments such as extensions or alterations of houses of a particular site. Design codes are often linked to masterplans.

16.4 The Local Plan selectively identifies the particular site allocations for which a masterplan and/ or design code will be sought due to the scale and sensitivity of the sites. For housing, these are:

H5 – Swinshaw Hall, Loveclough

H13 – Loveclough Working Mens Club and land at rear and extension

H72 – Land west of Market Street, Edenfield

16.5 For employment and mixed-use sites, a masterplan will be sought for the following major sites:

- NE2 – Land North of Hud Hey, Haslingden
- NE3 – Carrs Industrial Estate North Extension, Haslingden
- NE4 – Extension of New Hall Hey, Rawtenstall
- M4 – Futures Park, Bacup

16.6 Health impact assessment is a useful tool to assess and mitigate impacts on the health and wellbeing of the local population or a specific group, when the evidence indicates a development proposal is likely to have a significant impacts on the well-being of local people, as outlined by the Healthy and safe communities PPG.

16.7 The Local Plan identifies the following site allocations for which a health impact assessment will be sought to address potential health impact resulting from the scale of development:

- H5 – Swinshaw Hall, Loveclough
- H13 - Loveclough Working Mens Club and land at rear and extension
- H72 – Land west of Market Street, Edenfield

Is it clear when these requirements will be triggered?

16.8 Policy ENV1 states that “A Development Brief or Design Code (as appropriate) will be required to support major new development and smaller proposals as appropriate (this document will be proportionate to the size of the scheme).”

16.9 It is considered that the policy could be improved by specifying that a development brief or design code would be sought for minor proposals in a Conservation Area or those that would impact upon Listed Buildings.

16.10 Policy ENV1 states that a Health Impact Assessment would be considered for major developments. In particular, this will be sought when the proposal is likely to have an impact on the health of the local community or specific groups.

Have the implications for site viability and deliverability been considered?

16.11 Development briefs or design codes and health impact assessment have not been assessed in the Local Plan viability assessment. However, since good design is at the core of sustainable development, the Council has adopted the approach that they are a part of the ordinary development cost of a site, not an exceptional add-on.

b) Is Policy ENV2 consistent with the National Planning Policy Framework? Should it refer to public benefits in any planning balance? Should it be titled Historic Environment rather than Heritage assets as suggested by Historic England?

Is Policy ENV2 consistent with the National Planning Policy Framework?

16.12 Yes. The NPPF encourages the conservation of heritage assets, based on their significance, for current and future generations to enjoy.

16.13 Policy ENV2 states that "The Council will support proposals which conserve or, where appropriate, enhance the historic environment of Rossendale". This is consistent with the NPPF.

16.14 The NPPF also recommends plans to create a strategy which set out how the local historic environment benefits the local community and how it will be protected, having regards to heritage assets most at risk.

16.15 This strategy should consider:

- how to sustain and manage the significance of heritage assets, including consideration of viable uses compatible with their significance,
- the benefits the historic environment brings to the local or wider community,
- how new development can enhance local character and distinctiveness,
- how to build on the positive contribution the historic environment brings to the character of a place

16.16 The Council follows this approach. The last paragraph of Policy ENV2 explains that "the Council will:

- Seek to identify, protect and enhance local heritage assets;
- Promote heritage-led regeneration including in relation to development opportunities;
- Produce conservation area appraisals and management plans;
- Develop a positive approach to safeguard the future of any heritage assets that are considered "at risk";
- Adopt a proactive approach to utilising development opportunities to increase the promotion and interpretation of the Borough's rich archaeological wealth; and
- Develop a positive heritage strategy for the Borough."

16.17 Therefore Policy ENV2 provides a positive framework for the conservation of heritage assets in the Borough which is consistent with the NPPF.

Should it refer to public benefits in any planning balance?

16.18 Yes. The public benefits rule will apply when a heritage assessment shows that the harm would be less than substantial or that it could be mitigated against.

Should it be titled Historic Environment rather than Heritage assets as suggested by Historic England?

16.19 The Council considers that the title of Policy ENV2 could be amended to 'Historic Environment' as suggested by Historic England.

c) Would all development proposals be able to meet the requirements of Policy ENV3? Does Policy ENV3 appropriately deal with mitigation and is it sufficiently flexible?

Would all development proposals be able to meet the requirements of Policy ENV3?

16.20 The Council consider that the distinctive landscape character of the Borough is a key asset which deserves protection.

16.21 The requirements outlined in the 7 bullet points of the fourth paragraph are considered appropriate to protect and where possible enhance the character of the landscape. There may be a limited number of occasions due to site specific reasons where one or more of those criteria cannot be met but it is envisaged the majority of development proposals would be able to meet the requirement of ENV3. Any proposals that do not meet the policy criteria would have to be sufficiently justified by the Applicant.

Does Policy ENV3 appropriately deal with mitigation and is it sufficiently flexible?

16.22 Policy ENV3 comprises several measures which are considered effective to mitigate against potential landscape impacts. These include building at a low density on sites near the Enclosed Upland or Moorland Fringe Landscape Character Areas, retaining existing trees as well as Green and Blue Infrastructure features, creating a buffer of native trees at the edge of a development site to soften its boundary, retaining and restoring characteristic features such as dry stone walls and vaccary stone flags, and considering the site layout to retain key views.

16.23 The Council consider that Policy ENV3 provides enough flexibility to allow development proposals to adequately mitigate against potential negative landscape effects.

d) Is the requirement for developments of 100 dwellings or more to undertake an Appropriate Assessment of the impact of the proposal on the South Pennine Special Protection Area set out in Policy ENV4 justified? Why is the threshold 100 dwellings or more? Are only those sites subject to Appropriate Assessment expected to make provision of or contribution of, sites of Suitable Alternative Natural Green Space (SANGs)?

Is the requirement for developments of 100 dwellings or more to undertake an Appropriate Assessment of the impact of the proposal on the South Pennine Special Protection Area set out in Policy ENV4 justified?

16.24 The Habitat Regulations Assessment (HRA) 2019 update ([SD006.1](#)) considers that the threshold of 100 dwellings or more, to undertake an Appropriate Assessment is not necessary. Indeed, Policy ENV4 requires development proposals that are likely to have an impact on designated sites or protected habitats and species to carry out assessments. These should identify the likely impacts of development and to propose measures to avoid harm, and if not possible to propose mitigation, and as a last resort to consider off-site compensatory measures.

16.25 Therefore the Council agree that the threshold should be removed. However, the assessments should consider potential development impacts on the breeding bird assemblage for which the South Pennine Moors Phase 2 SPA is classified and on the habitats used by these bird species.

Why is the threshold 100 dwellings or more?

16.26 In view of the previous answer it is conceded the threshold of 100 dwellings cannot be justified.

Are only those sites subject to Appropriate Assessment expected to make provision of or contribution of, sites of Suitable Alternative Natural Green Space (SANGs)?

16.27 According to the HRAs undertaken for Burnley, Kirklees and Bradford Local Plans, new development sites situated within a 7km buffer from the South Pennine Moors Phase 2 SPA could lead to an increase in recreational disturbance.

16.28 According to the PPG on Appropriate Assessment, SANGs could be considered as a mitigation measure to divert recreational pressure away from a European site. Furthermore, it is our understanding that SANGS could also divert recreational pressure away from supporting habitat for qualifying features of the SPA situated in the Borough.

16.29 Therefore, SANGs should not only be considered for sites subject to an Appropriate Assessment. Development proposals should have regards to SANGs when they are situated within the 7km buffer from the South Pennines Moor Phase 2 SPA as illustrated in figure 7.9 of [SD006.1](#) or when they are likely to impact the breeding bird assemblage of the SPA.

e) Have any specific SANG proposals been identified? If not how will a proposal be identified? What mechanisms will the Council use to calculate and secure contributions towards or provision of SANGs and how have such contributions or provisions been factored into the Local Plan viability evidence? What progress has been made on the Visitor Management Plan and when will it be completed?

Have any specific SANG proposals been identified?

16.30 No specific SANG proposals have been identified in the Local Plan.

If not how will a proposal be identified?

16.31 The Council propose to update an existing Supplementary Planning Document on Open Space and play equipment contributions. It is proposed that the criteria to identify SANG proposals will be outlined in this document.

What mechanisms will the Council use to calculate and secure contributions towards or provision of SANGs and how have such contributions or provisions been factored into the Local Plan viability evidence?

16.32 It is proposed that the calculation and contribution towards SANGs or the provision of SANGs will be outlined in the update to the existing Supplementary Planning Document on Open space and play equipment contributions.

16.33 The Local Plan viability assessment ([EB019](#)) tested the requirement of Planning Obligations on site viability, including a Public Open Space contribution.

What progress has been made on the Visitor Management Plan and when will it be completed?

16.34 It is considered that the Visitor Management Plan for the South Pennines Phase 2 SPA and Special Area of Conservation (SAC) would be better addressed at a strategic level.

16.35 A Visitor Management Plan for the South Pennine Moors was discussed at the South Pennine Authorities Renewables and Landscape Group Meetings in September and December 2018. Pennine Prospects which is the Local Nature Partnership suggested that local authorities who want to undertake a Visitor Management Plan should meet separately with them and Natural England.

16.36 A Memorandum of Understanding has been signed by the South Pennine Authorities which is included in Appendix 1 to the Duty to Co-operate ([SD008](#)). One of the objectives of the Memorandum is to facilitate collaborative working on cross-border issues including landscape, ecology and climate change.

16.37 Further discussions with neighbouring authorities in the South Pennines are needed to agree upon and progress the commissioning of a Visitor Management Plan.

f) Does Policy ENV4 promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity as required by paragraph 174 of the National Planning Policy Framework?

16.38 The Council consider that Policy ENV4 provides a positive strategy for the conservation, restoration and enhancement of the natural habitat.

16.39 Indeed, the policy states that "Development proposals should protect areas of biodiversity and protected species; areas of geodiversity and ecological networks, and where possible enhance sites and linkages."

16.40 The policy could be improved with the following wording: "Any adverse effects should be first of all avoided; if this is not possible, minimised and mitigated against, and where this cannot be achieved, compensated for. All development proposals should seek to protect and enhance biodiversity and geodiversity, and will be requested to quantify any net gains."

g) Is Policy ENV5 effective and consistent with national policy? Should schemes which result in a net loss of green infrastructure be expected to provide replacement provision as well as demonstrate not having an unacceptable impact on the integrity of the green infrastructure network?

Is Policy ENV5 effective and consistent with national policy?

16.41 Yes. NPPF highlights the importance of protecting and enhancing the natural environment, including green infrastructure, in strategic policies. Furthermore, green infrastructure is also essential to promote healthy lifestyle, adapt to climate change and mitigate air pollution.

16.42 Policy ENV5 aims to protect and enhance Green Infrastructure networks which is consistent with NPPF.

Should schemes which result in a net loss of green infrastructure be expected to provide replacement provision as well as demonstrate not having an unacceptable impact on the integrity of the green infrastructure network?

16.43 Yes. The policy aims to secure an alternative provision when a development proposal would result in a net loss of green infrastructure. However, the replacement provision should not have an impact on the integrity of the wider ecological network. This means that the replacement site should be connected to the existing network.

h) Is Policy ENV5 consistent with national policy? Should the Green Infrastructure definition be consistent with that given in the National Planning Policy Framework? How were the boundaries of the proposed Green Infrastructure designation identified? What are the implications for development in built up areas covered by the proposed designation?

Is Policy ENV5 consistent with national policy?

16.44 Yes. NPPF highlights the importance of protecting and enhancing the natural environment, including green infrastructure, in strategic policies. Furthermore, green infrastructure is also essential to promote healthy lifestyle, adapt to climate change and mitigate air pollution.

16.45 Policy ENV5 aims to protect and enhance Green Infrastructure networks, which is consistent with NPPF.

Should the Green Infrastructure definition be consistent with that given in the National Planning Policy Framework?

16.46 Yes. The Green Infrastructure definition used in policy ENV5 and the glossary is consistent with the NPPF definition of Green Infrastructure: "A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities."

How were the boundaries of the proposed Green Infrastructure designation identified?

16.47 The boundaries of the proposed Green Infrastructure were identified based on the 'Greenlands' sites designated in the Core Strategy Proposals Map ([SU001.1](#)) and the Lancashire Ecological Network Approach and Analysis for grassland and woodland (submitted documents EB026, EB027 and EB028). The wetland and heath network has not yet been digitised by the Lancashire Environment Record network and therefore was not designated on the Policies Map.

16.48 The Lancashire Ecological Network Approach is based on a landscape integrity model. The model quantifies the level of human modification to a landscape, the lowest level being the least modified. It assumes that species will move between areas with low level of human modification (e.g. natural and semi-natural landscapes) and thus enable the designation of corridors which link sites of high ecological value.

What are the implications for development in built up areas covered by the proposed designation?

16.49 Built up areas designated as Green Infrastructure are identified as corridors for species to move between core sites. Corridors are defined in the Lancashire Ecological Network Approach and Analysis as “continuous stretches of permeable habitat that can, over time, be utilised by species to move between Core Areas.”

16.50 It is the Council understanding that this question is asking what are the implications for new development proposals in built up areas designated as Green Infrastructure. Policy ENV5 would still apply in this case.

i) Is Policy ENV6 consistent with national policy? Is the requirement in Paragraph 192 of the Local Plan expecting electric charging points on all residential development unless technically unfeasible or prohibitive justified? Policy TR4 also requires parking provision to incorporate charging points for electric vehicles where the Council considers it appropriate to do so, is this consistent with Policy ENV6 and is it necessary for both policies to require this?

Is Policy ENV6 consistent with national policy?

16.51 According to the NPPF, planning policies should consider ground conditions and land stability when determining if a site is suitable for development. Furthermore, the location of a development site should be appropriate considering the effect of pollution on health, quality of life and the natural environment. Also, the potential impacts from the development on the sensitivity of the site or wider area should be considered, in particular in terms of noise and light pollution.

16.52 Regarding air pollution, the NPPF states, plans should identify ways to improve air quality or mitigate impacts by considering transport management and provision and enhancement of green infrastructure.

16.53 Policy ENV6 is consistent with the NPPF as it proposes that development “will only be permitted if the risk of pollution is effectively prevented or reduced and mitigated to an acceptable level” and provides a list of criteria to consider.

16.54 The NPPF also explains that new development should integrate well within existing businesses and communities and should not impose restrictions on them.

16.55 Policy ENV6 is consistent with this approach as it states that new development proposals, especially for sensitive uses (e.g. housing and schools), should be compatible with their surroundings.

Is the requirement in Paragraph 192 of the Local Plan expecting electric charging points on all residential development unless technically unfeasible or prohibitive justified?

16.56 The NPPF states that policies should look at the provision of spaces for charging electric or low emission vehicles, if setting local parking standards.

16.57 Appendix 1 of Rossendale Local Plan explains that the provision for electric car charging points should be made within new development (see Policy ENV.6 regarding residential) including employment, retail and leisure provision.

16.58 It is considered that the policy is justified for all new residential development to provide electric charging points.

16.59 The policy is also considered flexible as electric charging points will not be required for residential development proposals where it is not technically feasible or would make the development financially unviable.

Policy TR4 also requires parking provision to incorporate charging points for electric vehicles where the Council considers it appropriate to do so, is this consistent with Policy ENV6 and is it necessary for both policies to require this?

16.60 Policy ENV6 requires new residential development to incorporate electric charging points from the point of view of mitigating air pollution. The policy especially refers to sites within or adjoining Air Quality Management Areas. In addition, Policy TR4 provides guidance on parking for all type of developments and requires the incorporation of electric charging points when the Local Planning Authority considers it appropriate.

16.61 If the Inspector deems it appropriate, the reference to the provision of electric charging points in Policy ENV6 could be removed and Policy TR4 strengthened by requesting all new development to include electric charging points unless not technically feasible or not viable. This would necessitate moving the wording contained in Paragraph 192 of the Explanation for Policy ENV6 and re-inserting it within the Explanation for Policy TR4 (please refer to the Council's Hearing Statement in para 16.61).

j) Do Policies ENV7 and ENV8 provide a positively prepared, robust framework for renewable energy development which adequately addresses adverse impacts? Is the area of search designation for wind turbines supported by robust evidence? Do Policies ENV7 and ENV8 appropriately deal with visual impacts, decommissioning of turbines, blanket bog, peat fields and ecological impacts? Is Policy ENV7 overly prescriptive?

Do Policies ENV7 and ENV8 provide a positively prepared, robust framework for renewable energy development which adequately addresses adverse impacts?

16.62 The NPPF states that “the planning system should support the transition to a low carbon future in a changing climate” and this includes supporting renewable and low carbon energy projects.

16.63 Furthermore, the NPPF explains that plans should:

- create a positive strategy to produce energy from renewable and low carbon sources whilst ensuring adverse impacts are adequately dealt with,
- consider the identification of suitable areas for renewable energy and low carbon sources to help secure development,
- identify opportunities for new development to obtain energy from local sources and co-locate heat consumers near heat suppliers.

16.64 It is considered that policies ENV7 provide a positively prepared and robust framework for renewable energy development within the Borough by:

- stating that community lead projects will be supported,
- identifying suitable areas to promote such development,
- explaining how adverse impacts will be considered and how they can be mitigated.

16.65 Policy ENV8 also states that other forms of renewable energy projects will be supported subject to their potential impacts being minimised. Furthermore, the production of energy locally will be supported subject to the consideration of their environmental impacts.

Is the area of search designation for wind turbines supported by robust evidence?

16.66 The areas of search designation for wind turbines have been informed by the South Pennines Wind Energy Landscape Study 2014 ([EB030](#)).

16.67 The suitable areas for wind turbines include the Enclosed Uplands and part of the Higher Moorland Plateaux Landscape Character Type (LCT).

The South Pennines Wind Energy landscape Study concludes that the Enclosed Uplands LCT has a low sensitivity to very small wind turbines (under 24m), a medium sensitivity to small wind turbines (between 25m and 59m), a medium to high sensitivity to medium and large wind turbines, and a high sensitivity to very large wind turbines (over 130m).

16.68 The study also reveals that High Moorland Plateaux LCT has a medium to high sensitivity to very small and small wind turbines with a high sensitivity to medium, large and very large wind turbines, especially for areas near the Peak District National Park. The study goes on to say that “some limited repowering or extension of existing (operational and consented) wind farms may be acceptable in landscape term, in the western part of A1 around Scout Moor only, subject to detailed consideration of landscape, visual and other environmental impacts”

and provides further guidance. A1 is identified as the South Pennine Moors, on the LCT location map (page 23).

Do Policies ENV7 and ENV8 appropriately deal with visual impacts, decommissioning of turbines, blanket bog, peat fields and ecological impacts?

16.69 Policy ENV7 states that wind turbine development should not result in the loss or detract from key views or landscape features, the wind turbines' appearance should be appropriate to their setting, and the scheme should not result in an unacceptable cluster when considering cumulative impacts with existing structures. It is therefore considered that the policy adequately deals with visual impacts.

16.70 The policy also requires planning applications to incorporate "proposals for managing the de-commissioning and removal of the turbines and the restoration of the site" within their Construction Management Plan or to include a de-commissioning scheme.

16.71 Policy ENV7 states no development should be proposed on areas of peat over 40cm depth and that "impacts on designated species and ecological assets are avoided or minimised". Blanket bog is a priority habitat and any impacts to this habitat should be avoided or minimised.

16.72 Policy ENV8 proposes a positive approach to other forms of renewable energy generation, subject to any negative impacts being minimised. The supportive text of the policy explains how impacts for specific renewable energy projects, including solar panels, hydro-electric schemes and biomass energy systems will be considered. Coal related energy generation applications such as fracking are dealt with by Lancashire County Council.

Is Policy ENV7 overly prescriptive?

16.73 In the past, the Local Authority received a large amount of wind turbine schemes reflecting the high wind resource of the area. In parts of the Borough, this led to some cumulative impacts with other schemes in adjoining local authorities.

16.74 Policy ENV7 was developed to provide a comprehensive and effective list of criteria to be used by developers and the Local Authority when making decisions on wind turbine schemes.

k) Is Policy ENV9 effective? Should it provide more detail on mitigation measures required for the sites proposed for allocation in the Local Plan? Does it provide sufficient detail with regard to surface water management?

Is Policy ENV9 effective?

16.75 The Council consider policy ENV9 provides a flood framework to manage surface water run-off from new developments. Indeed, the policy requires that new development should not increase the risk of flooding on the site or elsewhere, and surface water run-off should mimic green fields' rates. Also, sustainable drainage systems are recommended to manage the flow of surface water and reduce flood risk.

16.76 However, based on the comments received from United Utilities at the Regulation 19 consultation, the policy could be improved by setting out the sequential approach to surface water management.

Should it provide more detail on mitigation measures required for the sites proposed for allocation in the Local Plan?

16.77 Policy ENV9 states that Flood Risk Assessment for development proposals, included allocated sites, should be based on information from the Environment Agency, the Strategic Flood Risk Assessment (SFRA) and the Lead Local Flood Risk Authority.

16.78 Developers and applicants should consider the findings from the SFRA before submitting a planning application.

Does it provide sufficient detail with regard to surface water management?

16.79 As mentioned above, the policy could be improved by setting out the sequential approach to surface water management as detailed in the United Utilities' comments received during the Regulation 19 consultation.

I) Is Policy ENV10 effective? Would it restrict development where it is not possible to meet all its requirements?

Is Policy ENV10 effective?

16.80 The Council consider that Policy ENV10 provides a positive strategy for the conservation of trees, hedgerows and woodlands within the Borough, as the criteria within the policy are capable of being satisfied and therefore, should not preclude development from coming forwards.

Would it restrict development where it is not possible to meet all its requirements?

16.81 Development proposals are expected to meet the criteria of Policy ENV10. However, the policy provides some flexibility for development where the loss of trees or woodlands is inevitable.

16.82 The criteria regarding the positive contributions to the Green infrastructure and biodiversity are considered important and justified by the need for development proposals to provide net gain in biodiversity.