

ROSSENDALE LOCAL PLAN EXAMINATION

MATTER 16 HEARING STATEMENT OF THE PEEL GROUP (REPRESENTOR ID 5160)

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

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

- 1.1 The majority of the allocations are relatively self-contained and small in scale, not exceeding several hundred units; indeed, most of the allocations are also under the control of a single landowner/developer. The requirement for all sites to be subject to a Development Brief/Design Code is therefore onerous and unnecessary. There is a significant risk that it would unnecessarily lengthen – rather than shorten – lead-in times for new development. Planning issues such as those proposed to be dealt with via a Development Brief/Design Code can be determined via the planning application process. The requirement for a Development Brief/Design Code is not justified and will not be effective at delivering development as quickly as possible to meet identified housing needs.
- 1.2 It is noted that Policy HS3: Edenfield also requires the preparation of a Development Brief/Design Code – Peel has also objected to this requirement, as set out Matter 14 Hearing Statement.

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)?

- 1.3 The requirement for an Appropriate Assessment for the development of 100 dwellings or more is not justified.
- 1.4 The Habitat Regulations Assessment (2019) (HRA) [SD006.1] concludes that it is “unlikely” that:
- The Local Plan will not lead to adverse effects on site integrity at either the South Pennine Moors SAC or South Pennine Moors Phase 2 SPA, and such effects are unlikely to arise even in-combination with other plans (paragraphs 7.10.2 and 8.3.1).
 - “any development proposed” in the Local Plan will adversely impact the quality or quantity of habitat that supports the South Pennine Moors Phase 2 SPA’s breeding bird assemblage (paragraph 7.8.11).

1.5 This is reinforced in the summary assessment table presented at Appendix 7 of the HRA, which sets out that none of the proposed allocations are likely to have a significant effect either alone or in combination.

1.6 As such, the HRA itself confirms that the requirements of Policy ENV4 are not necessary. It confirms at paragraph 9.3.3:

“Policy ENV4 goes on to provide additional guidance in respect of development proposals anywhere in the district which contain proposals for more than 100 homes. Given that the policy already directs planning applicants to screen proposals for effects on European sites, the threshold appears unnecessary. This policy wording could be reviewed in light of this before adoption.”

1.7 The HRA confirms that the draft Policy ENV4 already requires – without the need for Appropriate Assessment – developers to demonstrate that there will be no adverse effect on European sites; it makes clear that the HRA screening process is the most appropriate mechanism for this, not an Appropriate Assessment.

1.8 The HRA also confirms that relevant ecological assessments will need to consider the likely development impacts on the breeding bird assemblage (for which the South Pennine Moors Phase 2 SPA is classified) and the habitat and supporting processes on which these birds rely, as well as other habitats and species. This requirement is justified and should replace the requirement for an Appropriate Assessment.

1.9 The requirement for an Appropriate Assessment is not justified and should be deleted.

e) Have any specific SANG proposals been identified? If not how will a proposal be identified?

1.10 The SANG proposals are unnecessary and not justified. The recommendations within the HRA (see response to Question d) to amend the requirements of draft Policy ENV4 ensures developments do not have an adverse effect on European sites. Appropriate technical assessments and proposed mitigation measures will be provided on a case by case basis at the time of a planning application. The policy wording should be amended to incorporate the recommendations by the HRA.

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?

1.11 Peel supports RBC in the identification of areas suitable for commercial wind turbines on the Policies Map [SD003]. Identifying suitable areas for wind turbine developments accords with the requirements in the NPPF¹ and PPG². The inclusion of a Policy such as

¹ NPPF Paragraph 154

² PPG reference: Reference ID: 5-032-150618

ENV7 therefore comprises a positive approach to planning for climate change in principle.

1.12 The Policy Map identifies two separate designations in respect of wind turbine development:

- ‘Enclosed Uplands Suitable Areas for Wind Turbines’ – identified by blue dashed lines; and
- ‘High Moorland Plateau Suitable Areas for Wind Turbines’ – identified by red dashed lines.

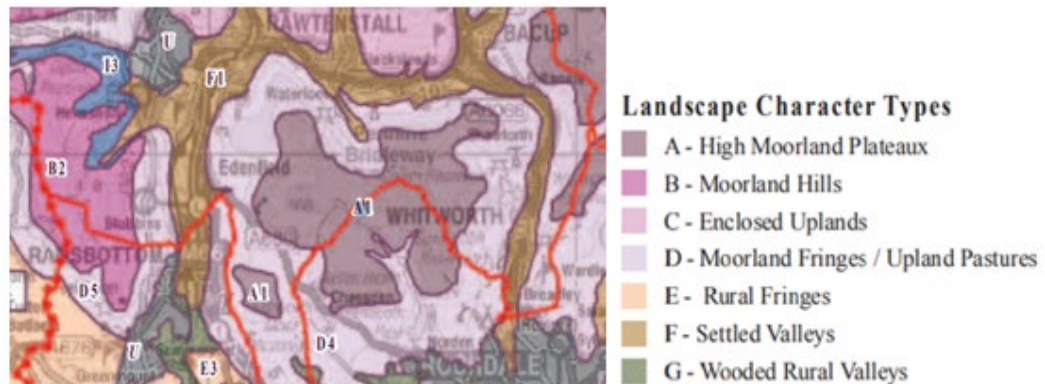
1.13 The existing Scout Moor wind farm and the surrounding moorland are demarcated on the RBC’s Policy Map with blue dashed lines and are therefore identified as an ‘Enclosed Upland’. Policy ENV7 restricts the development in this area to *“single, and exceptionally, small groups of Turbines of up to 59m”*. However, the identification of this area of land as ‘Enclosed Upland’ is contrary to the two Landscape Studies included within RBC’s evidence base, which demonstrate that it should instead be identified as ‘High Moorland’. In particular:

- The South Pennines Wind Energy Landscape Study (2014)³ classifies Scout Moor and the surrounding Moorland as a combination of the following:
 - A3: Wharnccliffe Unenclosed Moorland – Landscape Character Type A: High Moorland Plateaux; and
 - D4: Scout Moor & Shore Moor Fringe – Landscape Character Type D: Moorland Fringes / Upland Pastures.
- Figure 10: Landscape Character Types and Areas within the Landscape Capacity Study for Wind Energy Developments in the South Pennines (2010)⁴ identifies Scout Moor as being a ‘High Moorland Plateaux’ as can be seen within the extract at Figure 1.1 of this document.

³ RBC Evidence Base reference: EB030

⁴ RBC Evidence Base reference: EB031

Figure 1.1: Extract from Figure 10: Landscape Character Types and Areas within the Landscape Capacity Study for Wind Energy Developments in the South Pennines (2010)



- 1.14 Based on RBC's evidence base Peel asserts that Scout Moor and the surrounding Moorland areas are designated incorrectly as 'Enclosed Upland'. The Policies Map as drafted therefore does not appropriately deal with the landscape impact and the designation covering Scout Moor should be amended to the 'High Moorland Plateau Suitable Areas for Wind Turbines', which ENV7 identifies are suitable for "new larger turbines or re-powering of existing ones".
- 1.15 The re-designation of this land in this way would clearly accord with its current use as such. Scout Moor Wind Farm and the surrounding moorland area have been demonstrated as suitable for commercial wind turbines through the approval and presence of the existing wind farm.
- 1.16 Though Policy ENV7 identifies several matters which require consideration as part of any application, these should be considered in the context of the wider benefits, costs and viability of the individual development and on a case by case basis.