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Tony Blackburn, Programme Officer, Hyndburn Borough Council,  
on behalf of the Planning Inspector, Helen Hockenull

**BY EMAIL ONLY**

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Dear Tony Blackburn

**Examination of the Hyndburn 2040 Local Plan (Strategic Policies and Site Allocations):  
Inspector's Matters, Issues and Questions**

Thank you for your consultation on the above dated and received by Natural England on 25 July 2025.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**MATTERS, ISSUES AND QUESTIONS**

Please note, we have not answered all questions posed within the document provided, just those which are relevant to our remit and representations made at Regulation 19 stage. We will be happy to answer any additional questions from the Inspector in writing, but will not be attending the hearings.

**Matter 1: Compliance with statutory procedures and legal matters**

**Issue 1.1 – Has the Council met the statutory duty to cooperate as set out under Sections 20(5)c and 33A of the Planning and Compulsory Purchase Act 2004?**

*Question 1. Duty to Cooperate*

Natural England have been consulted at formal consultation stages under Regulation 19 (references 414380 (dated 18 January 2023) and 468071 (dated 25 March 2024)). This included a review of the Strategic Policies and Site Allocations, versions October 2022 and February 2024.

**Issue 1.2 – Has the Plan been prepared in accordance with other legal and procedural requirements?**

*Question 8 - Habitats Regulations Assessment*

As part of the Matters, Issues and Questions, Natural England have revisited the Habitats Regulations Assessment (HRA). Natural England would recommend the following additions to ensure a transparent and robust HRA to ensure the soundness of this document:

**Traffic Emissions**

Natural England recommend an amendment to the table provided within the HRA Screening Report 2022, under Section 4.4 *Indirect impact upon European sites through windborne pollution* for further clarity.

We advise that all development allocations should firstly consider aerial pollutants arising from traffic emissions during the Screening stage. This includes increased traffic, construction of new roads, and upgrading of existing roads.

Natural England consider that the designated sites at risk from local impacts are those within 200m of a road with increased traffic, which feature habitats that are vulnerable to nitrogen deposition/acidification (see [APIS](#)). This should also consider designated sites outside of the Local Planning Authority boundary, where applicable. It may be possible this assessment has been undertaken and determined that no likely significant effects are likely to occur, but this must be detailed within the Screening stage of the HRA.

You may wish to refer to [Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations \(NEA001\)](#) which provides further detail on the assessment process. We advise this approach is also undertaken for nationally designated sites.

#### In-Combination Assessment with Other Plans and Projects

The HRA concludes there is no likely significant effects to internationally designated sites. However, where there is no likely significant effect alone, residual impacts need to be assessed in-combination with other plans or projects to establish if, together, they result in a likely significant effect that needs to be considered at Appropriate Assessment. This assessment should come before the Appropriate Assessment. It is possible this step has been undertaken but for clarity this must be discussed within the Screening stage of the HRA.

#### **Matter 7 Employment Allocations, Policies EP1, 2, 3 and 4**

##### **Issue 7.0 - Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of the employment allocations for Hyndburn?**

###### *Question 8 – Policy EP1 Land to the S of Altham Business Park (EMP3)*

Natural England understand a query has been made in relation to ancient woodland and note there are two linear areas of ancient & semi-natural woodland, including Altham Clough Wood relating to Policy EP1: Land to S. of Altham Business Park (EMP3) from our mapping resources. The [Natural England Access to Evidence - Ancient woodlands Map](#) can help to identify ancient woodland.

The Local Planning Authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 193 of the NPPF. Natural England and the Forestry Commission have produced [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK \(www.gov.uk\)](#) (standing advice) for planning authorities.

Should there remain any conflicting opinion on whether ancient woodland is present within the land associated with Policy EP1, Natural England would recommend that further habitat surveys are conducted by a suitably qualified person as part of any ground-truthing exercise. This could be provided as additional requirement of Policy EP1.

You may wish to consider if any further policy safeguard for ancient woodland is also required within Policy EP1 to align with Policy DM17: Trees, Woodland and Hedgerows and Policy DM18: Protection and Enhancement of the Natural Environment which already affords the protection of ancient woodland.

## **Matter 11.0 – Protecting and Enhancing the Environment**

**Issue 11.0 - Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for climate change and the natural and built environment?**

*Question 1 – Is Policy SP13 Climate Change and Sustainable Development effective, justified and consistent with National Planning Policy?*

Natural England offer the following suggestions to strengthen the Hyndburn Local Plan:

- Point I - The inclusion of greenspace and green infrastructure, landscaping and habitat related enhancements, *including nature-based solutions such as tree planting or retaining deep peat as a carbon store*
- Supporting Text – Reference to Local Nature Recovery Strategies (LNRS) which also consider opportunities to achieve wider nature-based solutions. The potential opportunities identified in these strategies can include actions to address other environmental objectives that are also positive for biodiversity

*Question 8 – Best and Most Versatile Agricultural Land*

Natural England are of the opinion that reference to Best and Most Versatile (BMV) agricultural land should be included within the policy, rather than the supporting text.

In addition to BMV agricultural land, the conservation and sustainable management of soils is reflected in the National Planning Policy Framework (NPPF), particularly in paragraph 180(a), 180(b) and 181 (footnote 62).

Therefore, we advise the Local Plan should also afford policy protection for the sustainable management of wider soils on development sites. Healthy soils are not only important for agriculture, but include soils with high environmental value (e.g. wetland carbon stores such as peatland and low nutrient soils) which are important to ecological connectivity and will also align with wider ecological opportunities including climate change resilience and Local Nature Recovery Strategies (LNRS).

This should set out mitigation measures to minimise soil disturbance and retain as many ecosystem services as possible through careful soil management during the construction process and appropriate soil re-use. The Plan should recognise that development (soil sealing) has a major and usually irreversible adverse impact on soils. The impact of all types of development on soils should be considered.

We outline our suggestions below:

- Point P - Safeguard, enhance, and sustainably manage most valuable soil resources which includes the protection of Best and Most Versatile (BMV) land and the protection of high environmental value soils such as deep peat
- Supporting Text – Reference to the requirements for detailed Agricultural Land Classification (ALC) surveys

- Supporting Text - Reference to the requirement for soil management plans whereby development is encouraged to follow [Defra's Code of Practice for the sustainable use of soils on construction sites](#)

*Question 11 – Local Nature Recovery Strategies and Policy SP14 Green Infrastructure*

Natural England are of the opinion there should be greater recognition of LNRS and their assistance in directing GI locations within the wording of Policy SP14 Green Infrastructure.

*Question 12 – Is Policy SP16 Natural Environment Enhancement effective, justified and consistent with National Planning Policy?*

For clarity, development should provide net gains for biodiversity in line with the NPPF paragraphs 187(d), 192 and 193. Major development (defined in the [National Planning Policy Framework](#) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is also applies extended to small scale development from April 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025. Higher targets should be supported by evidence.

The Plan should set out the Biodiversity Net Gain (BNG) strategy within the Local Plan, this must include requirements for on-site and off-site provision.

*Question 13 – Local Nature Recovery Strategies and Policy SP16 Natural Environment Enhancement*

LNRS are a system of spatial strategies for nature and environmental improvement required by law under the Environment Act 2021. Each strategy agrees priorities for nature's recovery; maps the most valuable existing areas for nature; and maps specific opportunities for creating or improving habitat for nature and wider environmental goals. Recent [planning guidance](#) advocates for Local Planning Authorities to have regard to LNRS in decision making.

We would recommend amendment takes place to further emphasis the role of LNRS and nature recovery / opportunities within the wording of this policy.

*Question 14 - Is Policy SP17: Renewable Energy effective, justified and consistent with national planning policy?*

Natural England highlight there will be relationship with Policy SP16: Natural Environment Enhancement in regard to Hyndburn Windfarm, on Oswaldtwistle Moor, noting the location of the West Pennine Moors Site of Special Scientific Interest (SSSI). Supporting text may wish to refer to this cross relationship to designated sites.

In addition, we highlight that much of Hyndburn is situated within a Protected Landscape Impact Risk Zone (IRZ) associated to Forest of Bowland Area of Outstanding Natural Beauty. Natural England is required to be consulted on all planning applications in this IRZ should a proposal meet the following criteria: all wind schemes where hub height is 80m or more and all solar schemes greater than 10ha.

In order for the policy to be fully effective, amendment may be required to create an additional point in the policy wording and/or the supportive text to demonstrate cross relationships with landscape related policy.

Please send any queries or future consultations to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk), marked for my attention.

Yours sincerely

Zoe Haysted

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Natural England