

Matter 11: Protecting and enhancing the environment		
Issue 11: 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?		
Policy SP13 Climate Change and Sustainable development	1. Is the policy effective, justified and consistent with national planning policy?	<p>Yes. Section 14 of the Framework states the planning system should support the transition to a low carbon future in a changing climate, including shaping places that contribute to radical reductions in greenhouse gas emissions, improving resilience and supporting renewable and low carbon energy. Paragraph 153 of the Framework states that plans should take a pro-active approach...and support appropriate measures to ensure future resilience to climate change impacts. Paragraph 133 states local planning authorities should make appropriate use of tools for assessing and improving the design of development, including assessment frameworks, and, for the most benefit, encourages that they be used as early as possible in the evolution of schemes, particularly for major housing schemes.</p> <p>Policy SP13 supports the framework by taking a pro-active approach to mitigating and adapting to climate change by requiring all developments to contribute to the transition to a low carbon future.</p> <p>Policy SP13 is supported by several other key policies (See Key Policy Links in SP13), which further guide environmental improvement opportunities linked to the climate emergency. HBC therefore consider SP13 to be effective and deliverable over the plan period (see further detail in response to Question 6 below), and, supported by other policies within the Local Plan, able to work to reduce greenhouse gas emissions over the plan period.</p>
	2. Is there duplication between parts a, b and d of the policy?	<p>Yes, the Council believe part a) confirms which requirement needs to be met in national and local policy; part b) offers support for schemes which positively support a net-zero carbon Borough; and, part d) promotes the inclusion of energy saving and energy efficiency measures which may not be included in part a). Whilst achieving similar aims, the parts are complimentary and not repetitive.</p>

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	<p>3. What is the justification for part a) of the Policy. Is it necessary or appropriate to reference standards to be introduced under other legislation?</p>	<p>The Council acknowledge that this part of the policy is replicating the building regulations. The Council propose the following main modification to Policy SP13:</p> <p><i>a. Adhering to any national or local policy or guidance on climate change measures or technical standards relating to energy use in place at the time of the proposed development, such as the Future Homes / Buildings Standard;</i></p>
	<p>4. Does the policy comply with the Written Ministerial Statement concerning Local Energy Efficiency Standards, December 2023?</p>	<p>The government released a Written Ministerial Statement (WMS) (Dec 2023) on Local Energy Efficiency rules, clarifying its position on local governments setting energy efficiency rules for buildings that exceed national building regulations. The statement emphasised that any such local measures must be regarded "reasonable" and stated as a percentage increase over the Target Emissions Rate (TER) computed using the Standard Assessment Procedure. This explanation sought to strike a balance between local autonomy and the need for a unified national strategy to energy efficiency.</p> <p>Whilst this plan has been prepared under the provisions of the September 2023 NPPF, the Council believe that it complies with the WMS. The plan does not seek to obtain energy efficiency rules for buildings that exceed national building regulations but references Future Homes standards which mandates that new homes built in England produce 75-80% fewer carbon emissions compared to those built under current regulations and obtain an Energy Performance Certificate (EPC) rating of C or above by 2035.</p>
	<p>5. Is it clear from the policy how the Council will seek to achieve net zero carbon and how development proposals will be assessed?</p>	<p>The policy itself is not obliging the Council to achieve net zero, rather the Council is currently developing a Climate Strategy and Action Plan which will set out key goals and targets to do this.</p> <p>Policy SP13 supports Section 19(1A) of the Planning and Compulsory Purchase Act 2004, which requires local planning authorities to include in their Local Plans "<i>policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change</i>".</p>

		<p>Development proposals will also be assessed at planning application stage for proposals which include climate friendly initiatives and these will be positively regarded as part of the planning balance.</p>
	<p>6. Part h of the policy encourages water efficiency. Whilst the Borough is not in water stress, is there evidence to support the higher optional water efficiency standards set through Building Regulations?</p>	<p>The Council has considered the requirements set out in the National Planning Policy Guidance when considering whether to adopt higher water efficiency standards as set through the building regulations. The NPPG suggests the starting point for assessment is the Water Classification 2021 as the latest evidence. This current classification does not designate Hyndburn within a water stressed area at this time. Based on this interpretation the Council has not opted for higher water efficiency standards.</p> <p>The Council are aware of the information submitted by United Utilities for evidence to support higher optional water efficiency standards. The Council considers that the evidence provided, while making a strong case for the higher optional water efficiency standards, does not negate the current water classification.</p> <p>The Council, however, would not be opposed to a main modification to the plan introducing a requirement of the higher optional standards if the evidence presented by United Utilities is felt to justify higher standards.</p>
	<p>7. Should the Policy consider development on land used for public water supply and potential mitigation measures to ensure that the development has no impact on water supply or quality?</p>	<p>The Council considers that the plan has appropriate safeguards for environmental quality and water resources through Policies SP13 and through reference in the supporting text in paragraph 7.22.</p>
	<p>8. Para 7.23 of the supporting text mentions safeguarding best and most versatile agricultural land. Should this be included in the Policy?</p>	<p>The Council consider that BMV agricultural land has adequate protection through national policy and guidance (NPPF, PPG paragraph: 001 Reference ID: 8-001-20190721 and its inclusion in the supporting text is sufficient. However, for clarity the Council proposed a main modification to the policy:</p> <p><u><i>Q. Ensuring the safeguarding of the long-term capability of the best and most versatile agricultural land (Grades 1, 2 and 3a).</i></u></p>

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	<p>9. Does the viability appraisal assess the costs of meeting these policy requirements? Is the policy sufficiently flexible to take account of scheme viability?</p>	<p>Yes, the Local Plan Economic Viability Assessment (HBC2.006) assessed the cumulative costs required to meet building regulations. The assessment has not included other desirable initiatives as these are not requirements in the Local Plan. The policy wording is considered sufficiently flexible, recognising viability as a factor in the delivery and implementation.</p>
<p>Policy SP14: Green Infrastructure</p>	<p>10. Is the policy effective, justified and consistent with national planning policy?</p>	<p>Yes. Policy SP14 is considered to be in accordance with paragraph 20 and 175 of the NPPF, however, it is acknowledged that little reference has been drawn to the existing green infrastructure of the Borough. Therefore, if required, further modification to Policy SP14 will be introduced.</p> <p>Proposed modification: <i>Green Infrastructure resources will be protected, enhanced and extended; by linking these resources, a multi-functional Green Infrastructure network will be created (including an eventual Nature Recovery Network⁸⁷) to help increase biodiversity, provide wider environmental benefits to tackle climate change and deliver opportunities for outdoor recreation and strengthen the Borough’s landscape character. Where developments are within, or in close proximity to, the Green Infrastructure network they will be expected to contribute towards its protection and enhancement.</i></p>
	<p>11. Should the Policy give greater recognition to the Local Nature Recovery Strategies to highlight its function to help direct the location of Green infrastructure through the Local Plan?</p>	<p>Yes, as the draft LNRS has now been published the Council would be supportive of a modification to the Policy in support of this. The Council proposes the following main modification:</p> <p><i>“Green Infrastructure resources will be protected, enhanced and extended; by linking these resources, a multi-functional Green Infrastructure network will be created (including <u>any</u> Local Nature Recovery Strategies and an eventual Nature Recovery Network). Where developments are within, or in close proximity to, the Green Infrastructure network they will be expected to contribute towards its protection and enhancement.</i></p>
<p>Policy SP16 Natural Environment Enhancement</p>	<p>12. Is the policy effective, justified and consistent with national planning policy? In particular,</p>	<p>It is considered that Policy SP16 is broadly justified, consistent with national planning policy, and capable of being effective. Part 3) supports the incorporation of biodiversity improvements in all development, where practicable, reinforcing a general duty to enhance biodiversity on-site wherever feasible in accordance with the NPPF.</p>

	<p>a) Bearing in mind the advice in the PPG , should the policy support the statutory framework for biodiversity net gain rather than include reference to the detailed requirements, ie. a minimum 10% Biodiversity Net Gain (BNG) ?</p> <p>b) In the event that BNG cannot be provided on site, should it be clear in the policy and or supporting text that an appropriate mechanism to secure an offsite site contribution would be required and how this would be expected to be achieved?</p>	<p>a) While the reference to a minimum 10% measurable biodiversity net gain in Part 1(c) of Policy SP16 aligns with the current national standard introduced by the Environment Act 2021 and supported by the PPG, this could be framed in the context of the statutory framework for biodiversity net gain.</p> <p>The PPG advises that local plans should not duplicate or restate national policy, and instead should support its implementation. As such, the policy could be more effective and future-proofed by stating that development must comply with the statutory biodiversity net gain requirements, currently set at 10%, or any such standard as defined in legislation or national policy. This would help avoid future inconsistencies if the national BNG threshold were to change.</p> <p><i>“c. Secures a minimum of 10% measurable biodiversity net gain <u>Complies with the statutory Biodiversity Net Gain requirements</u> and ensures that on-going management measures are in place; and”</i></p> <p>b) Part 1(c) of the policy does not distinguish between on and off-site BNG. However, the Biodiversity Gain Hierarchy and its effect for the purpose of the statutory framework for biodiversity net gain is set out in Articles 37A and 37D of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This sets out the sequencing for the delivery of BNG ((i.e. prioritising on-site delivery, then off-site, then statutory credits) and is supported by guidance in the Planning Practice Guidance (PPG).</p> <p>To improve the effectiveness, the supported text at paragraph 7.42 should be modified:</p> <p><i>“7.42 New development should be sited and designed to minimise impacts on natural resources, but where impacts arise it will be necessary for these to be appropriately mitigated, and for the mitigation to incorporate a level of net gain commensurate with the more detailed policy framework set out in the DM DPD and in line with national policy and</i></p>
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		<p><i>guidance. Development should seek to provide a minimum of 10% measurable biodiversity net gain. Development must also comply with the statutory biodiversity net gain requirements, currently set at 10%, or any such standard as defined in legislation or national policy which can be quantified through the use of tools such as such as the Defra biodiversity metric. Mitigation proposals should be accompanied by appropriate mechanisms for the management of natural resources and these measures would normally be secured through a legal agreement.</i></p> <p><i>In relation to all on-site habitats which are adversely affected by development, the adverse effect should be compensated by prioritising in order, where possible, the enhancement of existing on-site habitats, creation of new on-site habitats, allocation of registered off-site gains and finally the purchase of biodiversity credits. Where BNG cannot be delivered on-site, off-site gains or statutory biodiversity credits may be used in accordance with national policy and legislation and must legally secured (e.g. through Section 106 obligations or conservation covenants) and must be registered on the national Biodiversity Gain Site Register, in accordance with statutory requirements.”</i></p>
	<p>13. Should the Policy give greater recognition to the Local Nature Recovery Strategies to highlight its function to help direct the location of Green infrastructure through the Local Plan?</p>	<p>Examination Library item H010 (Appendix 8 Proposed schedule of amendments to the publication Local Plan 2021-2040 Version 2) recommends additional supporting text below Policy SP16 at Ma009. This explains the role and purpose of the Local Nature Recovery Strategy.</p> <p>It is considered that recognition is given to the Local Nature Recovery Strategy in Policy SP16 Part d). LNRSs are not part of the development plan but, once published and adopted, become a material consideration. However, the policy wording may be amended to strengthen the role of the Local Nature Recovery Strategy (LNRS),</p> <p><i>“d. Contributes towards an effective ecological network through the expansion and re-connection of environmental resources, <u>having regard to the priorities and spatial proposals set out in the identified in the Local Nature Recovery Strategy, and aligned with the Green</u></i></p>

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		<i>Infrastructure Network and other areas of Green-infrastructure, particularly where such improvements would complement local regeneration priorities and improvements to health and well-being.”</i>
Policy SP17 Renewable energy	14. Is the policy effective, justified and consistent with national planning policy? Specifically, should it ensure that the risk to water catchment land should be assessed and mitigated?	<p>Yes. Policy SP17 acknowledges the Government’s objective of delivering sustainable, reliable, and affordable energy for all (as set out in the NPPF) by taking a positive and proactive approach to mitigating and adapting to climate change. In light of the relevant chapters of the NPPF, Policy SP17 supports community-led initiatives for renewable and low carbon energy development. It also recognises the importance of identifying suitable areas for renewable and low carbon source energy source and supporting infrastructure, and NPPF’s approach in respect of such type of development in the Green Belt.</p> <p>With regard to references to water catchment land, the Council considers that the plan has appropriate safeguards for environmental quality and water resources through Policies SP13 and through reference in the supporting text in paragraph 7.22. The Council does not believe that this needs to be duplicated in Policy SP17.</p>
Policy SP18 High Quality Urban Design	15. Is the policy effective, justified and consistent with national planning policy?	<p>The Council considers that Policy SP18 is effective, justified and consistent with national planning policy. The wording reflects paragraphs 126 – 134 of the NPPF ensuring that developments create attractive, healthy and sustainable places.</p> <p>The policy sets out the strategic key principles of design which all applications will be expected to follow, while complementing policies DM10 and DM26 in the Development Management Plan which set out more detailed requirements.</p> <p>The supporting text reflects the future potential of design codes to provide further details and identify opportunities to reflect the local context of areas within the borough.</p>
Policy SP19 Heritage	16. Is the policy effective, justified and consistent with national planning policy?	The Council considers that Policy SP19 is effective, justified and consistent with national planning policy and is consistent with paragraphs 190-202 of the Framework subject to two main modifications.

		<p>The Council has proposed main modifications to SP19 through appendix 8 in the examination library to reflect the requirements for archaeological reports at specific site allocations (main modification Ma010). The Council also request consideration of a further main modification to reflect the need for applications that affect heritage assets require a heritage statement. This is to reflect comments from Historic England.</p> <p>Proposed main modification:</p> <p><i>Proposals affecting a designated heritage asset (or an archaeological site of national importance) should conserve those elements which contribute to its significance. Harm to such elements will be permitted only where this is clearly justified and outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a designated heritage asset (or an archaeological site of national importance) will be permitted only in those circumstances set out in the NPPF. <u>Applications for proposals that affect heritage assets (designated and non-designated) and their setting will be supported by a Heritage Statement.</u></i></p>
	<p>17. Is the Policy sufficiently strategic in nature and should it be more Hyndburn specific?</p>	<p>The Council consider that the policy is strategic in nature and reflects a consistent approach with the NPPF. The Council considers parts 2) and 5)iii set out the policy hooks to ensure that the policy is tailored to the local context. The supporting text to the policy, through paragraphs 7.54 – 7.61, then informs the local distinctiveness within Hyndburn. The Council considers that the local context is contextual for each individual site and therefore is descriptive rather than policy related and is better contained in the supporting text. The local context is further identified through area policies set out in policies SP26-SP31 providing further place-based recognition.</p> <p>The Council considers that this provides a balance between the strategic and local detail required.</p>
	<p>18. In the Schedule of proposed minor modifications (HBC1.006) it is proposed to add a new part 6 to the policy to require Archaeological Desk base Assessments with any planning applications on</p>	<p>Please see the Hyndburn Local Plan LCC HET Site Allocations Report (HBC6.003a) and appendices (HBC6.003b). This document has given the proposed allocations a traffic light rating depending on archaeological potential.</p>

	<p>certain identified sites. What is the justification for this addition?</p>	<p>Due to an oversight the recommendations of this report were not incorporated into the Local Plan during Regulation 19, therefore the Council respectfully request that the recommendations are included into the Plan as modifications to ensure soundness. Sites which are green have not had any modification proposed.</p> <p>Amber sites have the following proposed modification, as recommended by LCC HET: <u>“Any planning application for this site must be accompanied by an Archaeological Desk Based Assessment and/or the results of an archaeological field evaluation and details of any necessary archaeological mitigation”</u></p> <p>There is one site which is rated red – EMP3. The Historic Environment Team advised that <i>“although the vast majority of the archaeological interest across the site would not be a constraint to its continued allocated status, the possible presence of a possible medieval moated site (PRN1983) that could prove to be a constraint”</i>. It should be noted that HBC do not envisage development on the site of the potential moat – it is currently a small pond and HBC envisage this could be enhanced to create habitat / SuDS (if appropriate following archaeological investigation).</p> <p>Therefore, no planning permission to develop this part of the site should be granted until this part of the site has been the subject to a programme of archaeological evaluation.</p> <p>The following modification was proposed in HBC1.005a to support this:</p> <p><i>Xiii: The existing pond to the east of the site should be retained and <u>no planning permission to develop this part of the site should be granted until this part of the site has been the subject to a programme of archaeological evaluation. Dependent on the outcomes of this investigation, there is-may be potential for enhancement with new wetland planting, and creating new wetland areas in the immediate vicinity, associated with new SuDS.</u></i></p>
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<p>Policy SP21 The Leeds and Liverpool Canal</p>	<p>19. Should the policy seek to conserve and enhance the heritage assets which form part of the canal and its corridor?</p>	<p>Yes.</p> <p>Proposed Modification:</p> <ol style="list-style-type: none"> 1) <i>Development adjacent to, or in the vicinity of, the Leeds and Liverpool Canal will be expected to:</i> <ol style="list-style-type: none"> a. <i>Be of a high quality design of an appropriate scale and mass that integrates the canal into the development proposal in a way that treats the waterway as an area of usable space;</i> b. <i>Integrate the waterway, towing path and canal environment into the public realm in terms of the design and management of the development;</i> c. <i>Ensure that the structural integrity of the waterway infrastructure is not harmed;</i> d. <i>Improve access to, along and from the waterway and improve the environmental quality of the waterway corridor;</i> e. <i>Optimise views of water and generate natural surveillance of water space through the siting, configuration and orientation of buildings, recognising appropriate boundary treatment and access issues may differ between the towing path and offside of the canal;</i> f. <i>Improve the amenity of the canal. Development that would have an adverse impact in the amenity of the canal by virtue of noise, odour or visual impact will not be supported;</i> g. <i>Retain and, where appropriate, reuse existing historic canal-side buildings;</i> h. <i>Retain or reinforce the canal-side character of the local area.</i> i. <u><i>Promote opportunities for the significance of the Church Canalside Conservation Area, statutory listed buildings and locally listed buildings to be better revealed, preserved or enhanced.</i></u> 2) <i>When off-site improvements to the canal are required these will be delivered by the developer through the use of “Grampian” conditions or planning obligations.</i> <p>Insertion to the supporting text:</p> <p><i>7.66 The Leeds and Liverpool Canal connects many of the industrial towns of Lancashire and Yorkshire to the port of Liverpool and was created to allow the products of the mills of the Industrial Revolution to be exported around the world. In Hyndburn, the canal connects</i></p>
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		<p><i>Rishton, Church, Clayton-le-Moors and Altham. Hyndburn represents the half-way point of the whole length of the canal, a location that is marked in Church. <u>It is acknowledged that Leeds-Liverpool canal had a major influence on town developments in Church, Clayton-le-Moors, and Rishton, and the effect of the canal on historic industrial activities were remarkable. The majority of mid-19th century mills in the Borough were built in close proximity to the canal. The building, bridges, locks and other structures associated with the Leeds-Liverpool Canal, especially the former chemical works associated with bleaching, dyeing and Cailco printing are of distinctive character and particular attention should be paid to their conservation.</u></i></p>
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