

MAIN MODIFICATIONS

Person ID	Rep No	Name or Organisation	Main Modification Reference	Legally Compliant	Sound	Representation	Council's Response
6	28	Susan Fox	MM03	No	No	<p>Changes considered necessary to the Modification to make the DPD legally compliant:</p> <p>NPPF - one of core planning principles (section 17) is "encourage effective use of land by reusing land that has been previously developed (brownfield land provided that it is not of high environmental value). Land surrounding Longton, New Longton, and other villages is Greenbelt and Greenfield. I cannot see how there could be any exceptional circumstances in this case. Sustainable development has three interdependent dimensions of equal importance, economic, environmental and social. Revised wording - remove "where there are exceptional reasons, larger scale redevelopment may be appropriate".</p> <p>Changes considered necessary to the Modification to make the DPD sound:</p> <p>Not justified - several Brownfield windfall sites have, and will come available in the future, throughout the Borough, so there would be no reason to have larger scale redevelopment schemes surrounding smaller villages to fulfil housing quota. Not consistent with NPPF as stated in legally compliant. Revised wording - remove "where there are exceptional reasons, larger scale redevelopment may be appropriate".</p> <p>This modification is not sound because it is</p> <ul style="list-style-type: none"> - Not justified - Not consistent with national policy 	<p>This Main Modification was included within the schedule in order to ensure compatibility between the Central Lancashire Core Strategy and the Site Allocations DPD. In particular Core Strategy Policy 1, clause f.</p> <p>The Council accepts the need for sustainable development and considers that the policies within both the Central Lancashire Core Strategy and the Site Allocations DPD have been prepared in view of sustainability methodology and criteria and will enable a sustainable pattern of development for South Ribble over the Plan Period.</p> <p>The Council does not consider a change necessary.</p>
2	2	BNP Paribas Real Estate on behalf of BAE Systems	MM06 p.20 Insert after Major Sites for Development	No	No	<p>Changes considered necessary to the Modification to make the DPD legally compliant:</p> <p>MM06 proposes additional text in relation to the preparation of an agreed Masterplan prior to the development of the Major Development Sites, including the Samlesbury site. This response focuses on the content of the Masterplan proposed at paragraph 6.1 in light of the recent national drive to encourage a more proportionate approach to the information that applicants are asked to provide with planning applications. In particular, the Growth and Infrastructure Act and recent amendment of the Development Management Procedure Order have reinforced that more proportionate approach that should be taken by local planning authorities.</p> <p>Whilst a number of the contents listed at paragraph 6.1 are likely to be required as part of the Masterplans prepared for the Major Development Sites, not all of these may be appropriate for all of the sites. As such, it is important that flexibility is provided in the wording of the proposed paragraph 6.1 to ensure the contents of the Masterplans are reasonable and proportionate to the site itself, in line with national guidance.</p> <p>In light of the above, a slight amendment of the additional wording</p>	<p>The Council is content with the wording agreed with the Inspector and other parties at the Examination in Public in March 2013. It does not consider the suggested change appropriate as it is the intention that a Master plan will contain these evidence documents.</p>

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						<p>proposed in MM06 is requested as set out below (see bold typeface) to ensure the text is in accordance with national policy and sufficiently flexible to ensure it is deliverable and therefore both legally compliant and sound.</p> <p>“The Council welcomes early discussions with landowners/developers on the scope, content and process of preparation of a Masterplan. A Masterplan should set the vision for the site and the strategy for implementing that vision. It should include as appropriate, amongst other matters, an access and movement framework, green infrastructure and ecology mitigation and enhancement, a hydrology and drainage assessment, land use and development capacity analysis, infrastructure requirements, a viability assessment and a phasing and delivery strategy, amongst other matters.”</p> <p>We consider that this modification will be unsound because it is: Not effective Not consistent with national policy</p> <p>Changes considered necessary to the Modification to make the DPD sound:</p> <p>As above.</p>	
10	15	Taylor Wimpey UK Limited	MM06	Yes	Yes	<p>Thank you for the opportunity to comment on the Main and Additional Modifications to the Site Allocations and Development Management Policies DPD. Whilst representations are requested only in relation to objections to soundness and legal compliance, these representations are submitted on behalf of Taylor Wimpey UK Limited (TWUK) in support of relevant changes in relation to Strategic Site Policy C1 (Pickering's Farm).</p> <p>Firstly, TWUK agree that no changes have been proposed to Policy C1 following the Examination Hearing. As per TWUK's Hearing Statement, this ensures that Policy C1 remains:</p> <ul style="list-style-type: none"> • Positively prepared - meets objectively assessed development and infrastructure requirements; • Justified - the most appropriate strategy; • Effective - deliverable; and • Consistent with national policy - enables the delivery of sustainable development in accordance with the NPPF. <p>Secondly, TWUK support the inclusion of Main Modification 06 (MM06) which aims to insert the following paragraphs after 'Major Sites for Development' on page 20 of the DPD:</p> <p>“6.0 Where sites require a masterplan as part of a condition in the policy or justification text, including the preparation of an agreed Masterplan to achieve the comprehensive development of a Major Site the following applies. It is expected that a Masterplan will be prepared by the landowner/developer of the site in advance of the submission of any planning applications. It is the Councils intention that the draft Masterplan should be the subject of consultation with</p>	Support noted.

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						<p>all stakeholders and interested parties shall be agreed with the Council and thereafter adopted for the purposes of development management in the determination of subsequent planning applications.</p> <p>6.1 The Council welcomes early discussions with landowners/developers on the scope, content and process of preparation of a Masterplan. A Masterplan should set the vision for the site and the strategy for implementing that vision. It should include, amongst other matters, an access and movement framework, green infrastructure and ecology mitigation and enhancement, a hydrology and drainage assessment, land use and development capacity analysis, infrastructure requirements, a viability assessment and a phasing and delivery strategy.”</p> <p>This will ensure that proposed development is fully consistent with the provisions of the NPPF therefore enabling the delivery of sustainable development.</p> <p>I trust these comments will be taken into account in the final preparation of the Site Allocations and Development Management Policies DPD. Should you have any queries please do not hesitate to contact me.</p>	
8	12	Lancashire County Council	MM06: Major Sites for Development	Yes	No	<p>Changes considered necessary to the Modification to make the DPD sound:</p> <p>In the context of Cuerden Strategic Site which has more than one land owner, the wording of Policy C4 should refer to the development being integrated rather than comprehensive. This removes any potential suggestion that land owners have to work together, but rather reflects the planning ambition that whatever is brought forward and delivered by potential different parties is done so in a manner which seeks to integrate one with the other. The word comprehensive should also be removed from the justification for the same reason.</p> <p>The glossary of terms to the plan document does not refer to "<i>comprehensive development</i>" but rather to "<i>comprehensive masterplan</i>". This does not address the concerns about the interpretation of comprehensive development as discussed. In addition the term comprehensive masterplan is unnecessary as by definition a master plan will deal comprehensively with relevant issues.</p> <p>It is critical that either the term comprehensive is removed from policies relating to Cuerden or that an appropriate definition of comprehensive development for planning purposes in the context of Cuerden is incorporated in to the Site Allocations and Development Management DPD. The County Council would not want the term comprehensive to be taken to mean that proposals could not go ahead at a particular time on one part of the site without other parts of the site being developed at the same time.</p> <p>We consider the modification to be unsound because it is: Not effective</p>	These comments do not relate to MM06. The comments relate to seeking a change to Policy C5. Please see MM11 and Glossary. The Council is content with the wording agreed with the Inspector and other parties at the Examination in Public in March 2013.

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8	12	Lancashire County Council	MM11: Policy C4	Yes	No	<p>Changes considered necessary to the Modification to make the DPD sound:</p> <p>In the context of Cuerden Strategic Site which has more than one land owner, the wording of Policy C4 should refer to the development being integrated rather than comprehensive. This removes any potential suggestion that land owners have to work together, but rather reflects the planning ambition that whatever is brought forward and delivered by potential different parties is done so in a manner which seeks to integrate one with the other. The word comprehensive should also be removed from the justification for the same reason.</p> <p>The glossary of terms to the plan document does not refer to "<i>comprehensive development</i>" but rather to "<i>comprehensive masterplan</i>". This does not address the concerns about the interpretation of comprehensive development as discussed. In addition the term comprehensive masterplan is unnecessary as by definition a master plan will deal comprehensively with relevant issues.</p> <p>It is critical that either the term comprehensive is removed from policies relating to Cuerden or that an appropriate definition of comprehensive development for planning purposes in the context of Cuerden is incorporated in to the Site Allocations and Development Management DPD. The County Council would not want the term comprehensive to be taken to mean that proposals could not go ahead at a particular time on one part of the site without other parts of the site being developed at the same time.</p> <p>We consider the modification to be unsound because it is: Not effective</p>	<p>These comments do not relate specifically to MM11. The modification only relates to the inclusion of the term "retail" within the policy. However, this change seeks additional changes to Policy C5 that were not discussed during the EiP in March 2013. As such, the Council cannot consider any additional comments outside the modifications schedules.</p> <p>Additionally, the Council is committed to the wording of this Policy, as it is and has justified its reasons for this at earlier stages of the process.</p>
5	8	Brookhouse Group Limited	MM11/12	Yes	Yes	<p>I refer to the above and write to provide a consultation response on behalf of the Brookhouse Group Limited in relation to Main Modifications MM11 and MM12. The modifications relate to Policy C4 of the DPD.</p> <p>The Council will be aware from earlier consultation responses that Brookhouse has land interests in the site identified as the Cuerden Strategic Site (CSS) under Policy C4 of the DPD.</p> <p>We have also previously set out that Brookhouse is in active discussions with John Dalton, the Council's Director of Planning and Housing, in relation to its proposals to invest in the CSS in order to bring forward beneficial economic development at a site that will meet the Council's wider aspirations for the site and the needs of the population of South Ribble and the wider Central Lancashire area.</p> <p>This consultation response confirms Brookhouse's support for Main Modifications MM11 and MM12. The two modifications proposed accurately reflect the discussions between the Inspector, South Ribble Borough Council, Lancashire County Council and ourselves at the Examination in Public on 12 March 2013. The modifications were discussed in detail between all parties, with the latter three</p>	<p>Support is noted.</p>

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						<p>parties confirming that the suggested changes to Policy C4 and the supporting text were appropriate in all respects. On this basis we confirm our support for the modifications and attach a copy of our signed and dated Representations Form confirming this position.</p> <p>We also confirm that we have reviewed the Guidance Note on the attached Form which provides definitions of Legal Compliance/Soundness for policies. Accordingly, we consider Main Modifications MM11 and MM12 provides a policy and justification for the CSS which is both legally compliant and sound. Overall, we consider that the DPD as drafted with Main Modifications MM11 and MM12 will ensure that the vision shared for the site by the parties detailed above can be realised at the earliest opportunity.</p>	
1	1	Blackburn with Darwen Borough Council	MM13	Yes	Yes	In principle we support modification reference MM13, however we would like to convene a meeting with South Ribble Borough Council and Lancashire County Council to discuss and agree how the wider traffic impacts will be managed	Support is noted. The Council met with Blackburn with Darwen Borough Council on 22 August 2013 to discuss their Duty to Cooperate requirements.
2	3	BNP Paribas Real Estate on behalf of BAE Systems	MM13 p.27 para 6.37	Yes and No	Yes and No	<p>Changes considered necessary to the Modification to make the DPD legally compliant:</p> <p>Previous representations to the Site Allocations and Development Management Policies DPD made on behalf of BAE Systems outlined the importance of a dedicated vehicular access to the Samlesbury site from the A677 to the south, as well as a revision to the existing East Gate access configuration to the site from the A59. This was based on feedback from the master planning activities undertaken which outlined that these new access arrangements were likely to be required in order to fully realise the development opportunity and economic benefits of the Enterprise Zone.</p> <p>As set out in more detail above in response to question 3, the NPPF outlines the need for Local Plans to “meet the development needs of business and support an economy fit for the 21st century”, with the Samlesbury site being vital to the future growth of the local and regional economy. In light of this, it is clear that the Enterprise Zone and BAE Systems’ existing operations at the Samlesbury site, including the necessary highway improvements, should be fully supported by the Site Allocations and Development Management Policies DPD. As such, the additional text relating to the delivery of a dedicated vehicular access to the Samlesbury site from the A677 proposed as part of MM13 (reproduced below) is strongly supported by BAE Systems.</p> <p>Notwithstanding this, it is important that the supporting text to Policy C5 also supports the revision to the existing East Gate access configuration to the site from the A59. It is therefore requested that the additional text proposed as part of MM13 is amended further as set out below (see bold typeface).</p> <p>“...In order to fully realise the economic benefits of the of the Enterprise Zone at Samlesbury, <u>the construction of a new dedicated access will be designated and constructed into the Strategic Site from the A677 and the revision of the existing East Gate access configuration from the A59 will both be supported.</u>”</p>	<p>The Council accepts these comments in part and proposes a new modification in response to representations 3, 13 and 10. The Council does not accept the exact wording submitted as considers that the proposal would be a new access rather than a revision and also considers the detail should be decided through a Masterplan which will be subject to public consultation.</p> <p>6.37 ... A Masterplan approach will be required to secure the delivery <u>and timing</u> of the necessary infrastructure. <u>This will include access arrangements for the A59 and A677 in order to full realise the economic benefits of the Enterprise Zone at Samlesbury.</u> In order to fully realise the economic benefits of the Enterprise Zone at Samlesbury, a new dedicated access will be designated and constructed into the strategic site from the A677.</p>

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						<p>This explicit support for both the new dedicated access from the A677 and the revision to the existing East Gate access configuration to the site from the A59, is considered vital to the ensuring the Site Allocations and Development Management Policies DPD is consistent with national policy and therefore legally compliant and sound.</p> <p>We consider that this modification will be unsound because it is: Not consistent with national policy</p> <p>Changes considered necessary to the Modification to make the DPD sound:</p> <p>As above.</p>	
8	13	Lancashire County Council	MM13: Paragraph 6.37 Enterprise Zone, Samlesbury	Yes	No	<p>Changes considered necessary to the Modification to make the DPD sound:</p> <p>This proposes new wording as follows: "<i>In order to fully realise the economic benefits of the EZ at Samlesbury a new dedicated access will be designated and constructed into the strategic site from the A677</i>". This wording should be qualified by reference to the timing of the provision of a new dedicated access from the south being informed by the traffic flows generated by the EZ and their impact on the existing local road network.</p> <p>We consider the modification to be unsound because it is: Not effective</p>	Please see response to representation number 3.
7	10	Lancashire Enterprise Partnership	MM13: Paragraph 6.37 Enterprise Zone Samlesbury	Yes	No	<p>Changes considered necessary to the Modification to make the DPD sound:</p> <p>This proposes new wording as follows: "<i>In order to fully realise the economic benefits of the EZ at Samlesbury a new dedicated access will be designated and constructed into the strategic site from the A677</i>". This wording should be qualified by reference to the timing of the provision of a new dedicated access from the south being informed by the traffic flows generated by the EZ and their impact on the existing local road network.</p> <p>We consider that this modification will be unsound because it is: Not effective</p>	Please see response to representation number 3.
2	4	BNP Paribas Real Estate	MM14 p.27para. 6.39	No	No	<p>Changes considered necessary to the Modification to make the DPD legally compliant:</p> <p>The additional supporting text to Policy C5 proposed as part of MM14 relates to the proposed Biological Heritage Site (BHS) at the Samlesbury site and the protection offered to the qualifying habitat and species by Policy G16 – Biodiversity and Nature Conservation. It is, however, our understanding that the proposed BHS has not been formally endorsed and may not be going forward. Reference to the BHS in the supporting text to Policy C5 is therefore not considered necessary.</p> <p>In addition, it should be noted that the biological and nature conservation at the Samlesbury site are already protected by Policy</p>	<p>The suggested new wording does not relate to MM14. The Council cannot consider any additional comments outside the modifications schedules.</p> <p>The proposed deletion of MM14 is not accepted by the Council. A proposed BHS carries the same weight as an adopted BHS. This modification was suggested at the Examination in Public in March 2013 by the Wildlife Trust and agreed by all parties present.</p>

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						<p>G16. As such, the additional text proposed in MM14 is considered to be unnecessary repetition of Policy G16.</p> <p>In forming this view, regard has been had to one of the main aims of the recent revisions to the planning system, which has been to streamline the system in order to create a more positive approach to development. Integral to this is the NPPF, which condenses more than 1,000 pages of policy into around 50 pages and is a clear indication of the national drive for shorter and succinct planning documents, which avoid repetition.</p> <p>In light of the above, it is considered that the additional text proposed to paragraph 6.39 by MM14 is unnecessary to make the Site Allocations and Development Management Policies DPD legally compliant and sound. More specifically, it is considered to go against national policy aspiration for a condensed and streamlined Local Plan system.</p> <p>In addition to the above, it is noted that paragraph 6.39 of the Submission Draft Site Allocations and Development Management Policies DPD refers to the land surrounding the Samlesbury site, which is within BAE Systems control, being used to mitigate the impacts of the Enterprise Zone development. On this point, it is important to note that BAE Systems is the landowner and not the developer. As such, it should be made clear in paragraph 6.39 that it is the responsibility of the developer / Local Enterprise Partnership to work with South Ribble and Lancashire County Councils, BAE Systems and other stakeholder to mitigate the impacts of the development of the Enterprise Zone, in order to ensure the Site Allocations and Development Management Policies DPD is deliverable and therefore sound.</p> <p>Further to the above, it is requested that the additional text proposed in MM14 is not taken forward in the final version of the Site Allocations and Development Management Policies DPD and replaced as set out (see bold typeface).</p> <p><u>"Within the Green Belt roll back process, there is land surrounding the site that is also controlled by BAE Systems. The treatment of this land will need to include the necessary measures to help mitigate against the loss of Green Belt and the impacts on the landscape and wider environment. The developer will therefore be required to work with South Ribble and Lancashire County Councils, BAE Systems and other stakeholder in order to deliver this. On part of the Enterprise Zone is a proposed Biological Heritage Site (BHS). The qualifying habitats and species of the proposed BHS should be retained, either in situ and/or through mitigation and/or compensation in accordance with Policy G16 – Biodiversity and Nature Conservation."</u></p> <p>We consider that this modification will be unsound because it is: Not consistent with national policy</p> <p>Changes considered necessary to the Modification to make the</p>	

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						<p>DPD sound:</p> <p>As above.</p>	
9	14	Persimmon Homes	MM16	Yes	No	<p>Persimmon Homes continue to support the allocation of site S (land at Brindle Road, Bamber Bridge) for housing and acknowledge the shift of the commencement of delivery so that 60 units are due to come forward on the site into the first five years of the plan. This is a welcome modification: Persimmon Homes control approx 9.6ha of Site S which is available for immediate delivery, and are confident that this can be achieved.</p> <p>The Policy however, concludes that the whole site (22.7ha) can only accommodate 250 units. The reason for this has been stated as motorway noise. This has not been justified. Persimmon Homes has previously provided evidence that justifies a greater number.</p> <p>At the previous stage of consultation (Publication, August 2012) we provided the Council with a draft masterplan and noise feasibility assessment that the Persimmon site alone could accommodate 286 units. This includes provision of buffers to accommodate noise attenuation. These figures assume the potential developable area of Site S would be c.18.7ha. Assuming 3ha of open space would leave approximately 15.7ha of net developable area. With a density of 30 units to the hectare, this creates potential coverage (c.470) of nearer double the figure contained within the emerging policy.</p> <p>The detail has been appended to this representation for clarity:</p> <ul style="list-style-type: none"> • Concept masterplan CON-01 dated August 2012 • Site Plan Technical Data dated August 2012 • Access and Highways feasibility statement (WYG, Dec 2011) • Noise Feasibility Report • Review of masterplan in relation to noise (WYG, 2012) <p>Persimmon Homes therefore request that Policy D1 (MM 16) be reviewed and amended to accommodate a more realistic (or less pessimistic) quantum of units on Site S to c. 450 units.</p> <p>We consider that this modification will be unsound because it is: Not justified Not positively prepared</p>	<p>The Council does not accept this proposed amendment to MM16. The housing density figures used in Policy D1 and Table 2 are indicative only. There has been no modification made in Table 2 to the housing density on Site S and as such there have been no opportunities for additional public consultation and sustainability appraisal as a result of this suggestion. If a planning application is submitted then this would be the opportunity to discuss housing density on this site and would allow for appropriate public consultation and environmental assessment at that stage.</p>
6	9	Susan Fox	MM28	No	No	<p>Changes considered necessary to the Modification to make the DPD legally compliant:</p> <p>"As last resort compensated" does not comply with wildlife legislation or NPPF's 'moving from a net loss of biodiversity to achieving net gains'. Compensation to a local wildlife trust for example should be within 3 kilometres of habitat site to ensure that species will not be lost from a particular area.</p> <p>Changes considered necessary to the Modification to make the DPD sound:</p> <p>Requires EU and national wildlife legislation to be clearly defined in order to comply with said legislation and in keeping with NPPF section 9 in "Pursuing Sustainable development" that "moving from</p>	<p>The Council does not consider that this change is necessary to achieve compliance with the NPPF. The Council welcomes the information provided through this representation, however considers it unnecessary to replicate other wildlife legislation that exists in its own right, outside of the planning system.</p> <p>However, the Council accepts that this information could be useful as a guide to be incorporated within the Joint Central Lancashire Biodiversity and Nature Conservation SPD that the Council is currently drafting.</p>

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						<p>a net loss of bio-diversity to achieving net gains for nature" is achieved.</p> <p>Moreover developers will have a clear and unequivocal framework from which to work regarding their legal obligations regarding wildlife and development.</p> <p>Add the following wildlife legislation, namely: Natural Environment & Rural Communities Act (2006) NERC obliges the planning authority to ensure that ecological surveys are undertaken by developers and that appropriate mitigation is guaranteed during and after development. This is also in keeping with NPPF, Section 9 in "Pursuing Sustainable development" that "moving from a net loss of bio-diversity to achieving net gains for nature" is achieved.</p> <p>Wildlife & Countryside Act. (1981) as amended. Conservation of Habitats & Species Regulations (2010) Hedgerow Regulations (1991) Protection of Badgers Act (1992). Wild Mammals Protection Act (1996)</p> <p>Planning authority must have cognisance of UK Species of Principle Importance (eg Barn Owl, common toad, hedgehog, water vole) & UK Biodiversity Action Plan (species listed on Section 41 of NERC) and Lancashire Biodiversity Action Plan.</p> <p>Countryside & Rights of Way Act (2000) where applicable EU legislation for protection of Bats & Great Crested Newts. EU Habitats Directive with Birds' Directive. Protection of Nature & Biodiversity.</p> <p>I consider that this modification will be unsound because it is: Not effective Not consistent with national policy Not positively prepared</p>	
8	11	Lancashire County Council	MM29	Yes	No	<p>Changes considered necessary to the Modification to make the DPD sound:</p> <p>The tone of the policy justification is that the ecological network belongs to the County Council: e.g. 10.81 "... to ensure compatibility between the DPD, SPD and LCC's Ecological Network."</p> <p>The NPPF is clear that LNPs have a leading role in ecological networks. It may also imply that LCC holds sole responsibility for maintenance/development of the ecological network therefore it may be best suited to alter the text to refer to "<i>Lancashire's Ecological Network</i>".</p> <p>We consider the modification to be unsound because it is: Not consistent with national policy</p>	<p>The Council accepts this proposed amendment and suggests the following wording for clarification. The text in Bold is the additional alteration alongside to the proposed MM29.</p> <p><u>10.81 As well as the need to protect, conserve and enhance designated sites it is also important to protect, conserve and enhance nationally and locally important species that use a variety of sites/habitats as part of a nature conservation network. Lancashire County Council, alongside the Lancashire Nature Partnership, is producing an Ecological Network covering the County, including South Ribble's borough. Once finalised this will be an important contribution to the nature conservation</u></p>

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							<p><u>agenda and will need to be protected, conserved, maintained and enhanced where appropriate. The Ecological Network will be presented in text and visually through maps within the Biodiversity and Nature Conservation SPD to ensure compatibility between the DPD, SPD and LCC's the Lancashire Ecological Network.</u></p>