

Statement of Common Ground

Between South Ribble Borough Council and The Wildlife
Trust for Lancashire Manchester & North Merseyside
and (Lancashire County Council Ecology
Representative)

In respect of Representations 127 – 159 (Inclusive)

South Ribble Borough Council

**Site Allocations and Development Management
Policies DPD**

Meeting: 4 February 2013

In attendance:

Dave Dunlop, LWT

Mike Collier, LWT

Nik Bruce, LCC

Kezia Henderson, SRBC

Jeni Barnes, SRBC

Issues Discussed:

A meeting was arranged on 4 February between The Wildlife Trust for Lancashire, Manchester & North Merseyside (LWT), Lancashire County Council (LCC) and South Ribble Borough Council representatives to discuss the representations raised by LWT and any common ground that could be agreed. LCC representative attended to give advice and discuss representations raised by LCC on ecology/biodiversity grounds. All raised issues were discussed and an overview has been provided below, including where suggestions have been made and overall agreement between the parties.

LWT Representations received – 127 – 159 inclusive in chronological order per representation number.

Representation 127

Discussed the value of biodiversity on brownfield sites and explained the role of the Central Lancashire Core Strategy Policy 22: Biodiversity and Geodiversity which sets out key policy wording on the need to ‘conserve, protect and seek opportunities to enhance ...’ etc. thereby reducing the value and need in LWT’s suggested policy wording on this representation.

LWT agreed.

Representation 128

Same issue as response to Representation 127 as the suggested wording is already covered in the Central Lancashire Core Strategy Policy 22: Biodiversity and Geodiversity and the suggested wording add no additional value.

LWT agreed.

Representation 129

Same issue as response to Representation 127 as the suggested wording is already covered in the Central Lancashire Core Strategy Policy 22: Biodiversity and Geodiversity and the suggested wording add no additional value.

LWT agreed.

Representation 130

Same issue as response to Representation 127 as the suggested wording is already covered in the Central Lancashire Core Strategy Policy 22: Biodiversity and Geodiversity and the suggested wording add no additional value.

LWT agreed.

Representation 131

The suggested wording is different for this policy clause due to the different wording within the policy itself. It is considered that rather than add a biodiversity clause to each of the separate policies that a far more beneficial approach would be to look at the option of drafting a biodiversity policy that could add to the Central Lancashire Core Strategy and the Plan policies and ensure compliance with the National Planning Policy Framework (NPPF).

LWT agreed subject to full inclusion of biodiversity policy within the Plan.

Representation 132

The group discussed the benefit of including policy wording within the introductory text to explain that all decisions needed to be made viewing the plan as a whole and taking account of the Central Lancashire Core Strategy and wider relevant policy and decided that a minor amendment would be proposed:

2.3 ‘...emerging local issues and national guidance. These policies taken together and in consideration with the adopted Central Lancashire Core Strategy and other policies/guidance will be used to determine planning applications within South Ribble.

Same issue as response to Representation 127 as the suggested wording is already covered in the Central Lancashire Core Strategy Policy 22: Biodiversity and Geodiversity and the suggested wording add no additional value.

LWT agreed.

Representation 133

It was discussed that providing clarity as to what an ‘agreed masterplan’ would include would be a positive addition to the document. Instead of a clause being added to each Policy for the Major Sites for Development it was considered by the Council as to be more appropriate to include a general point on the process and format of Masterplans.

Suggested wording:

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 Council’s intention that the draft Masterplan should be the subject of consultation with 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.

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, restoration and enhancement, a hydrology and drainage assessment, land use and development capacity analysis, infrastructure requirements, a viability assessment and a phasing and delivery strategy.

LWT agreed, if inclusion of term 'restoration' within the above paragraph 6.1. The Council accepts this and will propose an amendment to this text within CD4.5 Minor Amendments Schedule.

Representation 134

Same as response to Representation 133.

Representation 135

Same as response to Representation 133.

Representation 136

Same as response to Representation 133.

Representation 137

There was a discussion over the designation of a Biological Heritage Site (BHS) within the boundary of the Enterprise Zone within Samlesbury. County Council are currently reviewing the list of BHSs across Lancashire and the Council is awaiting an outcome of this review as there is no evidence to suggest that a BHS still exists within this site. NB from LCC will try and find out further information on the outcome of the BHS review. No common ground reached due to lack of up to date information.

Representation 138

Same issue raised as representation 137, same response applies.

LWT withdraw this comment in error.

Representation 139

We discussed the issue of ecological networks in great detail during this meeting and decided that the best approach would be to suggest a draft biodiversity policy which would cover this issue. In this particular case the Council has also suggested a minor amendment submitted to the Inspector on 29 October 2012 which reads as the following:

7.46 'The comprehensive development of this site would help to address these issues. Any such development will including the demolition of the mill and pub will require the protection and enhancement of the Green Infrastructure on the site.

Further suggested amendment

7.46 'The comprehensive development of this site would help to address these issues. Any such development will including the demolition of the mill and pub will require the protection and enhancement of the Green Infrastructure and the Ecological Network on the site.

LWT agreed, subject to full inclusion of a biodiversity policy within the Plan as agreed.

As Green Infrastructure Networks and Ecological Networks serve different purposes, the term 'ecological network' is considered appropriate to include in this instance.

Representation 140

Site A – Group 1 – Buckshaw Village – this site has already been through the planning application process and is now under construction. This process cannot influence applications that had been decided prior to its adoption. Site GG at Wateringpool Lane was granted planning permission at appeal stage, this site has not yet commenced. As above, this process cannot influence applications that had been decided prior to its adoption.

LWT concede.

Representation 141

Any application received on this site would need to be subject to the appropriate environmental and wildlife surveys through the development management process. The Central Lancashire Core Strategy Policy 22: Biodiversity and Geodiversity would also apply and be taken into consideration on any planning application.

LWT concede.

Representation 142

There was discussion over the proposed dual allocation of Carr Lane, Farington where the Publication Proposals Map currently shows the BHS element of the site as also allocated for employment use. The Council have agreed a minor amendment to alter the boundary of the employment site to exclude the BHS (Appendix 2). See amended map exert.

It was not agreed to add a clause to the policy with reference to 'protect, conserve and enhance ...' as this was considered to be covered in the Central Lancashire Core Strategy Policy 22: Biodiversity and Geodiversity and would add no further weight.

LWT agreed.

Representation 143

There was no agreement reached on this representation as the Council does not have any evidence to support a BHS on this site. As mentioned above in response to Representation 137 the Council will await to hear from LCC regarding up to date information from the BHS review.

Representation 144

Justification text relating to Central Lancashire Core Strategy Policy 22: Biodiversity and Geodiversity relates to the role of designated biodiversity sites and the hierarchy, see paragraph 10.23. However, it was accepted by the Council that to ensure full compliance with the NPPF additional wording, through a draft biodiversity policy relating to the hierarchy of designated sites could be included.

LWT agree with the principle of a biodiversity policy, subject to its full discussion, consultation and its inclusion with the Plan.

Representation 145

During the meeting there was a discussion about whether the omission in relation to ecological networks could be included within amendments to the Green Infrastructure policies, specifically Policy G7 and Policy G8 or whether it was more appropriate to include a new biodiversity policy. There was also discussion about the current definition including a mix of feature and function which could cause some confusion. It was agreed that the definition would be amended to include a breakdown of feature and function. It was also agreed that instead of including reference to ecological networks within the Green Infrastructure policies it would be more appropriate to include a specific biodiversity policy within the Plan.

LWT agree with the principle of a biodiversity policy, subject to its full discussion, consultation and its inclusion with the Plan. LWT to provide wording on Green Infrastructure definition to be offered as a minor amendment to clarify the difference between function and feature within the definition.

Representation 146

The Plan is compliant with the NPPF in terms of its approach to the Green Belt and appropriate development within the Green Belt. Existing policies within the Central Lancashire Core Strategy, the Plan and the proposed biodiversity policy should reduce concerns about the protection of biodiversity assets in this respect. Planning applications will have to accord with all policies within the development plan.

LWT agree with the principle of a biodiversity policy, subject to its full discussion, consultation and its inclusion with the Plan. See draft biodiversity policy wording.

Representation 147

The Council has no record of a Farington Lodge BHS which is why it is not highlighted on the Proposals Map. Discussions with LCC ecologists have found no evidence of a BHS in this area thus the Council cannot agree to a change.

LWT withdraw this comment in error.

In terms of Land off Emnie Lane it was agreed that as there was a proposed dual allocation highlighted on the Proposals Map this would be amended so that the boundary of the Green Infrastructure was no longer also covered with the proposed Safeguarded allocation. See amended map exert (Appendix 1).

Representation 148

The Council does not agree to adding biodiversity clauses into each individual policy however recognises a policy gap in this respect and will seek to address this issue through the proposed biodiversity policy.

LWT agree with the principle of a biodiversity policy, subject to its full discussion, consultation and its inclusion with the Plan.

Representation 149

The Council notes the comments made from LWT and discussed the benefits of including these designations within the Plan. The different types of designations including Local Nature Reserve, Green Infrastructure, Green Corridors, Biological Heritage Site, Wildlife Corridor as well as the proposed designation of the Central Park are all depicted on the Proposals Map. The Council agrees to include wording in the justification text to reflect this.

See justification wording proposed below:

10.42 ‘... improvement scheme adjacent to the Old Tram Road. The environmental designations on the site, including a Local Nature Reserve, Biological Heritage Site, Wildlife Corridor, Green Corridor and Green Infrastructure are further support of the area becoming a new park, taking account of its ecological value through a future masterplan.

LWT agreed.

Representation 150

The Council accepts that there are limited references to biodiversity and ecological networks within the Plan and accepts the need to draft a biodiversity policy. The Council also accepts that as Wildlife Corridors are designated on the Proposals Map there has been an omission to not reflect this designation within a policy. The proposed approach would be to include this omission regarding wildlife corridors within a proposed biodiversity policy which will relate to the protection of wildlife corridors and their potential enhancement.

LWT welcomed and accepted.

Representation 151

The Council recognises that an omission has occurred within the definition of Green Infrastructure whereby there is no mention of wildlife corridors. We agree to include an amended Green Infrastructure definition as follows:

10.45 Green Infrastructure is the network of natural environmental components used for sport, leisure and recreation purposes. Green Infrastructure is defined as the following features on the (Proposals Map):

- Wildlife Corridors
- Green Corridors/Wedges

LWT agree insofar as this seems to relate to wildlife as amenity. Ecological networks serve a different but potentially complementary role specifically relating to functional ecosystems and

the wildlife dependent on these. No agreement was reached regarding the proposed wording within this representation as it was agreed that the best approach would be to include a biodiversity policy within the Plan.

Representation 152

Accepted, the Council is prepared to consider these issues in the drafting of new policy wording within the proposed biodiversity policy.

LWT welcome and support this.

Representation 153

A minor change was agreed earlier in the process to include a bullet point within the definition of Green Infrastructure at paragraph 10.45 to read 'Natural and semi – natural greenspace'. See SRSD002a.

Welcomed by LWT.

Representation 154

The Council acknowledges that there was an omission and that no proposed policies currently reflect wildlife corridors. This will be included within the proposed biodiversity policy.

Welcomed by LWT.

Representation 155

The Council supports the inclusion of Policy G13 – Trees, Woodlands and Hedgerows and considers this to have a separate purpose to acting simply as a policy to protect from a biodiversity perspective. The Council considers that it is appropriate to maintain this policy and to include a proposed biodiversity policy to cover this policy gap within the document.

LWT agree subject to inclusion of biodiversity policy.

Representation 156

The Council does not consider it appropriate to incorporate policy criteria on biodiversity within Policy G14 – Unstable and Contaminated Land as this serves a specific purpose, independent of the value of biodiversity. However, the Council does accept there is a policy gap in terms of biodiversity and considers the best approach is for a comprehensive biodiversity policy to be proposed within the document.

LWT agree subject to inclusion of biodiversity policy.

Representation 157

The Council does not consider it appropriate to incorporate policy criteria on biodiversity within Policy G15 – Derelict Land Reclamation as this serves a specific purpose, independent of the value of biodiversity. However, the Council does accept there is a policy gap in terms of biodiversity and considers the best approach is for a comprehensive biodiversity policy to be proposed within the document.

LWT agree subject to inclusion of biodiversity policy.

Representation 158

It is not considered appropriate to incorporate 'allotments' within the reference to community facilities within Policy H1. The Central Lancashire Core Strategy Policy 23: Health discusses the role of allotments and the need to safeguard and encourage their role. Additionally, the term 'allotments' is included within the definition of Green Infrastructure on Page 72 of the document. No change necessary.

LWT concede.

Representation 159

The authority has a good working relationship with key stakeholders including the County Council, neighbouring authorities, key partners such as Natural England, Environment Agency etc. The Council considers they have complied with the 'duty to cooperate' and effectively discussed relevant strategic planning issues. Additionally, the Council considers it unnecessary to prepare a coastal management/shoreline management plan as although the Ribble and Alt Estuary lies within the borough boundary there are no coastal/shoreline impacts as a result of the Plan. Additionally, we have received no correspondence from the Environment Agency to indicate they see this approach as a concern. Therefore, no changes are considered appropriate.

LWT position is - In the light of the Environment Agency's position: LWT will not pursue this issue at this time. However, we raised it because of the future possibility of 1. "Managed Retreat" at Hutton Marsh; 2. Future proposals for onshore-offshore cabling and other infrastructure under the Ribble Estuary; 3. Proposals to dam the tidal Ribble Estuary, as has been proposed in the recent past: this will need to be revisited if any of these possibilities should become a probability in the future.

Agreed Actions:

- Draft a Biodiversity criteria policy covering ecological networks and designated biodiversity sites. The Council also accepts that additional wording is required within the document relating to ecological networks. The Council has contacted LCC ecologists to provide some additional wording as follows and request that this wording can be further developed within the consultation process on this policy proposed after the hearings. (Appendix 3).

The County Council is currently engaged in work to identify a functional ecological network for Lancashire (including Blackpool and Blackburn with Darwen). It is envisaged that the results of this work will be available in the first half of 2013.

The network will be based on the tiers of designated wildlife sites and the habitats that lie within and around them. It will seek to identify how these are utilised by species on a functional basis. It will take account of land types and allocations which may have an implication for strengthening or improving the network. It will also provide a foundation for how Lancashire fits into other networks regionally, nationally

and internationally and set the context for other local networks which may be identified.

It is intended that the work will provide the necessary information and outputs to enable local authorities in Lancashire to meet the requirements of the National Planning Policy Framework in this respect.

- Draft an SPD covering a range of environmental issues including green infrastructure, ecological networks, and biodiversity guidance. The Council agrees that this SPD will also include information about what constitutes damage to a natural asset as requested by LWT.

Outstanding Actions:

- LWT propose the following amendment to Policy B6: Design Criteria for New Development as follows:

Policy B6 – Design Criteria for New Development

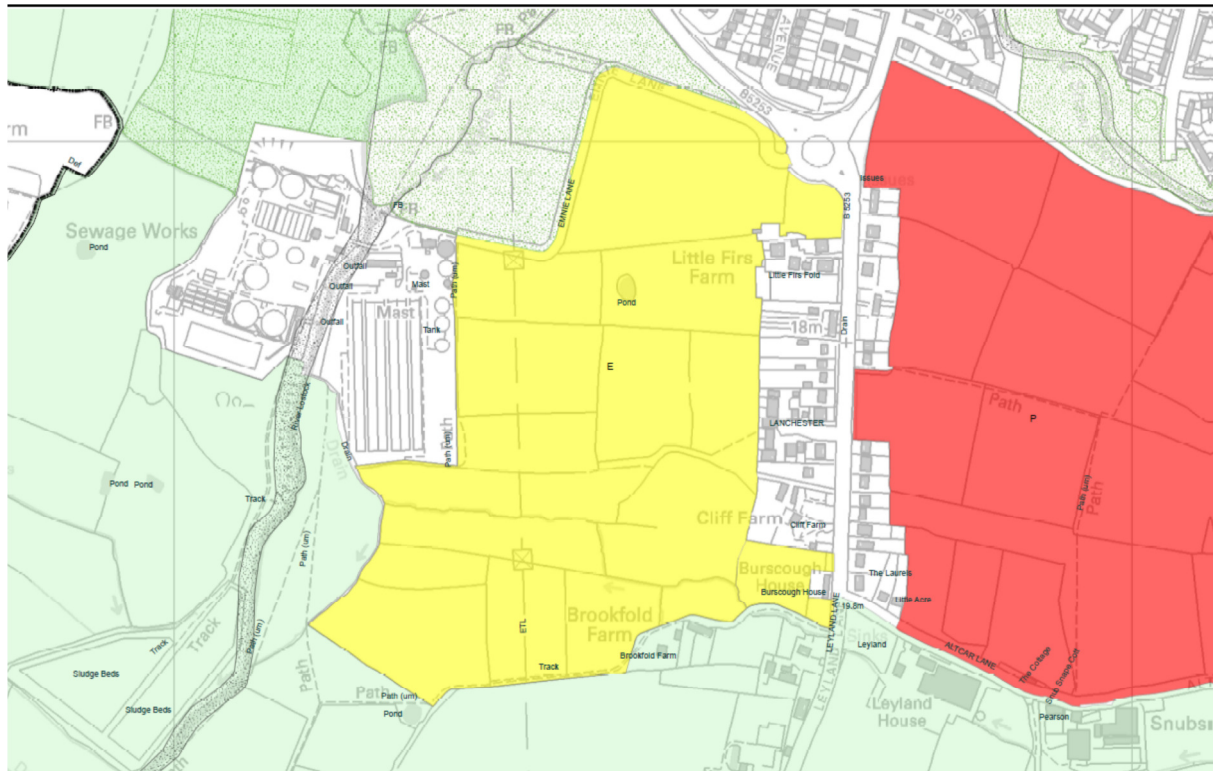
Planning permission will be granted for new development, including extensions and free standing structures, provided that, where relevant to the development:

- a) The proposal does not have a detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials. Furthermore, the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect;
- b) The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and will provide an interesting visual environment which respects the character of the site and local area;
- c) The development would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Policy F1, unless there are other material considerations which justify the reduction such as proximity to a public car park. Furthermore, any new roads and/or pavements provided as part of the development should be to an adoptable standard;
- d) The proposal would not adversely affect the character or setting of a listed building and/or the character of a conservation area and/or any heritage asset;
- e) The proposal would not have a detrimental impact on any designated wildlife site (as shown on the proposals map); and**
- f) The proposal would not have a detrimental impact on landscape features and wildlife habitats** such as mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features then mitigation measures to replace the feature/s will be required either on or off-site.

The Council would accept an addition to clause f) as it is considered this would be appropriate within the existing context of the clause. However, the Council would object to the inclusion of clause e) and consider it is more appropriate to succinctly deal with biodiversity and nature conservation broadly within one policy.

- LWT raise an outstanding issue in terms of the 'duty to cooperate' with neighbouring authorities. The Council has written communication with neighbouring authorities that they accept that South Ribble Council has been compliant in its approach to the duty to cooperate. Additionally, cross boundary issues in terms of biodiversity are considered by LCC, whom the Council have a good working relationship with and have accepted to take account of the findings of the ecological network that LCC are currently working on. Through consultation on the proposed Biodiversity SPD and Biodiversity Policy it will also be possible to take on board additional views of neighbouring authorities.

Appendix 1 – Land off Emnie Lane

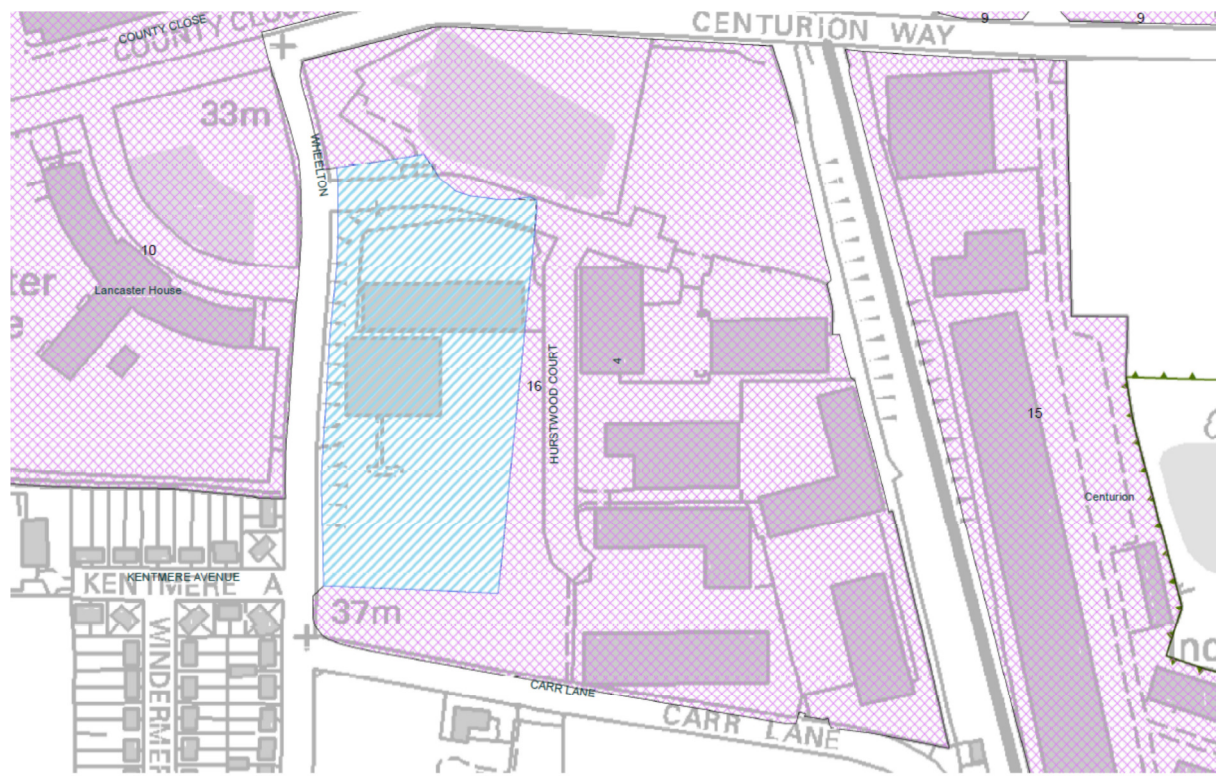


Safeguarded Site E - Emnie Lane Leyland

- Legend**
- G3 Safeguarded Land
 - D1 New Residential Allocations
 - G1 Green Belt
 - G7 Green Infrastructure

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Appendix 2 – Carr Lane



Site 16 - Carr Lane

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Draft Proposed Policy G16 – Biodiversity and Nature Conservation

The borough's Biodiversity and Ecological Network resources will be protected, conserved and enhanced:

Priority will be given to:

- Protecting and safeguarding all designated sites of international, national, regional, county and local level importance including all Ramsar, Special Protection Areas, Special Areas of Conservation, national nature reserves, sites of special scientific interest and biological heritage sites, geological heritage site, local nature reserves, wildlife corridors together with any ecological network approved by the Council;
- Protecting, safeguarding and enhancing habitats for European, nationally and locally important species;
- When considering applications for planning permission protecting, conserving and enhancing the borough's ecological network and providing links to the network from and/or through a proposed development site.

In addition development must adhere to the provisions set out below:

- a) The production of a net gain in biodiversity by designing in wildlife and by ensuring that any adverse impacts are avoided or if unavoidable are reduced or appropriately mitigated and/or compensated;
- b) The provision of opportunities for habitats and species to adapt to climate change;
- c) The support and encouragement of enhancements which contribute to habitat restoration;
- d) Protecting and enhancing existing habitats and features on all sites;
- e) Where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site planning applications must be accompanied by a survey undertaken by an appropriate qualified professional;
- f) In exceptional cases where the benefits for development in social or economic terms is considered to significantly outweigh the impact on the natural environment, appropriate and proportionate mitigation measures and/or compensatory habitat creation of an equal or greater area will be required through planning conditions and/or planning obligations.

Justification (Paragraphs to start at 10.78 in DPD)

10.78 The borough includes an extensive network of sites important for biodiversity including the Ribble and Alt Estuaries SPA and Ramsar, an internationally important wetland habitat commonly referred to as one of the 'Natura 2000' Sites. Additionally this site is a Site of Special Scientific Interest (SSSI), as well as two other SSSIs in the borough at River Darwen and Beeston Brook Meadow.

10.79 Alongside international and national designations are a wide range of regional, county and local designations including Regionally Important Geological Sites

(RIGS), Biological Heritage Sites (BHS), Local Nature Reserves (LNRs), and Wildlife Corridors all of which are an important part of the network of nature conservation sites and will be protected from development that will cause fragmented networks or isolate habitats. These designations are highlighted on the Proposals Map. This policy will also apply to any future designations that may arise over the plan period.

- 10.80 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 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 agenda and will need to be protected, conserved, maintained and enhanced where appropriate.
- 10.81 Biodiversity has many important roles and functions including protecting biodiversity for its own sake, adapting to climate change, recreation, health and wellbeing etc. As part of a changing climate it is important to allow habitats and species the opportunities to adapt, making provision where possible. Ecological networks form an important basis for this and it is the Council's view that these networks should be maintained and enhanced, where appropriate to allow habitats and species the best opportunity to adapt to a changing climate.
- 10.82 Protected habitats and species play an important role and are protected under European and National Law. Where habitats or species may come under threat, it is the developer's responsibility to assess and carry out all necessary surveys. Ecology surveys need to be provided by an appropriate qualified professional to assess the quality, quantity and value of biodiversity on site or near the site and how the proposed development may affect biodiversity. In certain cases development will not be permitted and in other cases mitigation/ compensatory measures of equal area, quality and diversity, if not higher will be required to reduce or overcome the impacts and where possible provide net gains or enhancements to improve the borough's nature conservation assets.
- 10.83 Further detailed guidance will be provided within a supplementary planning document.