



HEARING STATEMENT – MATTER 16 ENVIRONMENT

ROSSENDALE LOCAL PLAN EXAMINATION

TAYLOR WIMPEY (UK) LTD

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1. INTRODUCTION

1.1 Pegasus Group have been instructed on behalf of their client, Taylor Wimpey (UK) Ltd, to prepare Hearing Statements to the Rossendale Local Plan Examination (EiP) in support of their land interests in the Borough. This relates to the following sites, which are both allocated in the submitted plan:

- Land west of Market Street, Edenfield (within Housing Allocation H72); and
- Grane Village, Helmsore (within Housing Allocation H74).

1.2 This Statement deals with Matter 16 'Environment' which addresses the following issue:

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

2. MATTER 16: QUESTION A – DESIGN CODES & HEALTH IMPACT ASSESSMENT

[Policies ENV1 – ENV10]

a) Are the requirements for a development brief or design code and health impact assessment set out in Policy ENV1 justified? Is it clear when these requirements will be triggered? Have the implications for site viability and deliverability been considered?

- 2.1 Article 4 of Statutory Instrument 2013/1238 sets out the legal requirements for Design and Access Statements to accompany planning applications with the NPPG providing further detail (paras 14-029-20140306 to 14-033-20140306); however there is no guidance on the uplifted requirement for Design Codes or Development Briefs.
- 2.2 No real justification has been provided to support this additional requirement for a development brief or a Design Code at Policy ENV1, beyond the supporting text noting that they '*will help deliver high quality proposals*'. It is also unclear when this requirement would be triggered for smaller schemes and whether the implications for site viability and deliverability have been considered.
- 2.3 In terms of deliverability, we would question whether the timescales involved in addressing these uplifted requirements have been factored into the lead in times within the housing trajectory. For example, the allocation H72 (Land West of Market Street, Edenfield) is projected to start on site in 2021/22, which we fully support; however this will require the Design Code process to be resolved promptly following adoption of the plan (i.e. within a maximum 2-3 months), and we have seen no suggested procedure or evidence of how this has been dealt with historically at Rossendale, nor if there are suitably qualified design officers to deal with such matters. It is clear from our **Matter 19 Statement** that the Council's housing supply position is vulnerable, with little or no buffer for reduced or delayed delivery, and as such, any additional delays brought about by this process would put the whole plan at risk.
- 2.4 As such we would request that this requirement is removed or that additional evidence and clarification is provided to demonstrate that such requirements can be dealt with promptly.
- 2.5 A blanket approach for the provision of Health Impact Assessment for major developments is not considered to be consistent with national policy and as such this requirement should also be removed from the policy. NPPG is clear that the information requested with a planning application must be reasonable having regard to the nature and scale of the proposed development, and about a matter which it is reasonable to think will be a material consideration in the determination of the application (paragraph 14-040-20140306).
- 2.6 Furthermore, as with design matters, it is not clear whether Rossendale have the specialist staff resource internally to review such documents if they are submitted.

3. MATTER 16: QUESTION B – HERITAGE ASSETS

b) Is Policy ENV2 consistent with the National Planning Policy Framework? Should it refer to public benefits in any planning balance? Should it be titled Historic Environment rather than Heritage assets as suggested by Historic England?

- 3.1 The NPPF is clear in that the public benefits in the planning balance applies to development proposals that will lead to substantial harm or less than substantial harm to the significance of designated heritage assets. Where there is substantial harm the public benefits must clearly outweigh that harm or achieve all the criteria (a-d) at paragraph 195 of the NPPF. Where there is less than substantial harm the public benefits should be weighed against the less than substantial harm.
- 3.2 Policy ENV2 as currently worded does not acknowledge the other criteria identified at paragraph 195 of the NPPF when there is substantial harm. Nor does it refer to public benefits in the planning balance when there is less than substantial harm. Taylor Wimpey are of the view that the policy needs to be clear on these points.
- 3.3 The policy is clearly intended to conserve or, where appropriate, enhance the historic environment of Rossendale. The term Heritage Assets excludes those elements of the historic environment which are not designated or locally listed. Taylor Wimpey suggest that the policy should be titled Historic Environment.

4. MATTER 16: QUESTION C – POLICY ENV 3 - LANDSCAPE

c) Would all development proposals be able to meet the requirements of Policy ENV3? Does Policy ENV3 appropriately deal with mitigation and is it sufficiently flexible?

4.1 It is unlikely that all development proposals would be able to meet the requirements of Policy ENV3. However, even those proposals that are not able to meet all the requirements could still be considered sustainable development. As such, whilst Taylor Wimpey are generally supportive of this policy, as it broadly aligns with national policy, they do not consider that it is sufficiently flexibility and as such we recommend adding the following wording, before the list of landscape requirements:

'in order to protect and enhance the character and quality of the landscape, development proposals should, where possible:...'

5. MATTER 16: QUESTION D – APPROPRIATE ASSESSMENT

d) Is the requirement for developments of 100 dwellings or more to undertake an Appropriate Assessment of the impact of the proposal on the South Pennine Special Protection Area set out in Policy ENV4 justified? Why is the threshold 100 dwellings or more? Are only those sites subject to Appropriate Assessment expected to make provision of or contribution of, sites of Suitable Alternative Natural Green Space (SANGs)?

- 5.1 This policy sets the requirement for development proposals of 100 homes or more to prepare an appropriate assessment of the likely development impacts on the Breeding Bird Assemblage for the South Pennine Special Protection Area that are also present within the Borough.
- 5.2 However, we cannot find any justification for this 100 unit threshold within the plan, the Habitat Regulation Assessment prepared by Lepus consulting (**SD006.1**) or the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'). Indeed, we note that Lepus consulting at paragraph 9.3.3 of the Habitat Regulation Assessment say that '*the threshold appears unnecessary*' because the policy already directs planning applications to screen proposals for effects on European sites through relevant surveys and assessments.
- 5.3 On this basis, Taylor Wimpey conclude that it has not been justified that developments of 100 dwellings or more should undertake an appropriate assessment of the impact of the proposal on the South Pennine Special Protection Area as set out in Policy ENV4, and the threshold should therefore be removed.
- 5.4 Furthermore, we also seek clarity as to whether only those sites subject to appropriate assessment are expected to make provision of, or contribution to, the creation of SANGs.

6. MATTER 16: QUESTION E – SPECIFIC SANGS PROPOSALS

e) Have any specific SANG proposals been identified? If not how will a proposal be identified? What mechanisms will the Council use to calculate and secure contributions towards or provision of SANGs and how have such contributions or provisions been factored into the Local Plan viability evidence? What progress has been made on the Visitor Management Plan and when will it be completed?

- 6.1 Policy ENV4 requires provision of, or contributions to the creation of, SANGs where a development would have an individual or cumulative impact on Priority Species. It is clear in the Council's response to question 8 of Pre-Hearing Note 1 from the Inspector (**EL1.002bi**) that no specific proposals for SANGs have been identified in the plan.
- 6.2 Whilst the Council go on to state in their response that they expect a SANG proposal to be undertaken across the South Pennines area, working with other local authorities, Natural England and Pennine Prospects, this has yet to be done. As such, the plan does not set out what mechanism the Council will use to calculate and secure contributions towards or provision of SANGs and how such contributions or provisions have been factored into the Local Plan viability evidence. Taylor Wimpey therefore consider this part of Policy ENV4 as neither justified or effective.
- 6.3 Even if the requirement for SANGs was justified, and it is made clear which sites are expected to provide for, or contribute to them, to be effective it should not hinder deliverability and viability of sustainable development where there may be other options that could be explored in discussion with Natural England. As such we would endorse the HBFs proposed wording for this part of Policy ENV4 which is as follows:
- "Where development would have an individual or cumulative impact on Priority Species resident in or making use of habitat in the Borough, developers will be expected to explore effective, viable options for their protection with the Council and Natural England, potentially including the provision or, or contributions to the creation of, Sites of Suitable Alternative Natural Green Space (SANGs)."*
- 6.1 We would also reiterate (as we have in our response to question d in our **Matter 14 Statement**) that Rossendale has a good level of access to the countryside and an extensive public right of way (PROW) network, ensuring that there is a good level of existing recreation opportunities, which should reduce the visitor pressure on the SAC and therefore the need for SANGs.
- 6.2 This is particularly relevant in Edenfield which has three PROWs crossing the wider H72 allocation, and one crossing the Taylor Wimpey site, which are known to be popular with do walkers, and will be retained and enhanced in the proposed development (with potential for increased sign posting and information to increase their use further) and this should obviate the need for specific SANGS provision within the Edenfield allocation.

7. MATTER 16: QUESTION F – POLICY ENV 4 - BIODIVERSITY

f) Does Policy ENV4 promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity as required by paragraph 174 of the National Planning Policy Framework?

- 7.1 Taylor Wimpey are of the view that Policy ENV4 does promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species. However, the policy fails to identify and pursue opportunities for securing measurable net gains for biodiversity, and it remains unclear as to what is necessary to achieve the requirements of the policy.
- 7.2 This policy confirms that an SPD will be produced setting out more fully the elements within and the role of Ecological Networks. Taylor Wimpey therefore reserve the right to comment on this SPD as and when it is consulted on.

8. MATTER 16: QUESTION G – POLICY ENV 5 – GREEN INFRASTRUCTURE

g) Is Policy ENV5 effective and consistent with national policy? Should schemes which result in a net loss of green infrastructure be expected to provide replacement provision as well as demonstrate not having an unacceptable impact on the integrity of the green infrastructure network?

- 8.1 The main point Taylor Wimpey would like to raise in relation to Policy ENV5 is that the 20% net gain referred to in paragraph 187 of the plan has not been justified and there is no evidence to suggest that a 20% net gain is achievable or deliverable, and as such we would ask that this minimum percentage requirement is removed.

9. MATTER 16: QUESTION H – POLICY ENV 5 – GREEN INFRASTRUCTURE

h) Is Policy ENV5 consistent with national policy? Should the Green Infrastructure definition be consistent with that given in the National Planning Policy Framework? How were the boundaries of the proposed Green Infrastructure designation identified? What are the implications for development in built up areas covered by the proposed designation?

- 9.1 The NPPF definition for Green Infrastructure is included within the supporting text at paragraph 185. The plan does not make clear how boundaries were drawn for the GI network, and whilst there are obvious logical boundaries for the various parks and defined open spaces within the Borough, the use of the designation in the wider landscape is less clear, an issue exacerbated by the use of dotted hatching on the Policies Map with no defined edge, so it would useful if the Council could provide some clarity on this.

10. MATTER 16: QUESTION I – POLICY ENV 5 – GREEN INFRASTRUCTURE

i) Is Policy ENV6 consistent with national policy? Is the requirement in Paragraph 192 of the Local Plan expecting electric charging points on all residential development unless technically unfeasible or prohibitive justified? Policy TR4 also requires parking provision to incorporate charging points for electric vehicles where the Council considers it appropriate to do so, is this consistent with Policy ENV6 and is it necessary for both policies to requires this?

- 10.1 Appendix 1 is referenced in ENV6 with regards to residential development and again in Policy TR4 with regards to all development. This is unnecessarily repetitive. Taylor Wimpey consider that the parking standards, and electric charging point requirements, are most relevant to Policy TR4 and as such that paragraph 192 of the plan should be deleted.
- 10.2 Taylor Wimpey consider the electric charging point requirement in their response to **Matter 18**, Question b.

11. MATTER 16: QUESTION J – POLICY ENV 7 & 8 – WIND TURBINES & OTHER ENERGY

j) Do Policies ENV7 and ENV8 provide a positively prepared, robust framework for renewable energy development which adequately addresses adverse impacts? Is the area of search designation for wind turbines supported by robust evidence? Do Policies ENV7 and ENV8 appropriately deal with visual impacts, decommissioning of turbines, blanket bog, peat fields and ecological impacts? Is Policy ENV7 overly prescriptive?

- 11.1 Taylor Wimpey consider that Policy ENV7 is overly prescriptive and the policy need simply refer to the Guidance on Assessing the Landscape, Visual and Cumulative Impacts of Wind Energy Developments within the South Pennines Wind Energy Landscape Study 2014.

12. MATTER 16: QUESTION K – POLICY ENV 9 – DRAINAGE & FLOOD RISK

k) Is Policy ENV9 effective? Should it provide more detail on mitigation measures required for the sites proposed for allocation in the Local Plan? Does it provide sufficient detail with regard to surface water management?

- 12.1 Taylor Wimpey consider that it is for the promoters of the sites proposed for allocation in the plan to consider mitigation measures as and when development proposals come forward and that Policy ENV9 does provide sufficient detail with regard to surface water management.
- 12.2 The main point Taylor Wimpey would like to raise is that insufficient justification has been provided for the requirement for minor development in areas at risk of flooding to incorporate SuDS into the design of the scheme unless there is clear evidence that it would be inappropriate.

13. MATTER 16: QUESTION L – POLICY ENV 10 – TREES 7 HEDGEROWS

I) Is Policy ENV10 effective? Would it restrict development where it is not possible to meet all its requirements?

13.1 Taylor Wimpey consider that the policy should be worded to say, before the list of requirements:

"Development proposals should, where possible:"