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Our ref: 53144
Your ref: CH/EL

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BY EMAIL ONLY

Dear Sir/Madam,


Thank you for your consultation on the above dated 3rd May 2012, which was received by Natural England on the 5th May 2012.

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

General comments

The National Planning Policy Framework (NPPF) introduces a new set of requirements on local planning authorities and their local plans. Natural England recognises that much of the work around the Core Strategy was done prior to the publication of the NPPF, and that the Core Strategy may be supplemented by other subsidiary documents over time. None the less, we advise the Council gives careful consideration to how the local plan is to be consistent with the NPPF, and the role of the Core Strategy in achieving this.

In particular, we draw your attention to the following paragraphs within the NPPF, which we advise the Core Strategy is not currently consistent with:

Strategic/ landscape scale approach to biodiversity and green infrastructure

114. Local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

and:

117. To minimise impacts on biodiversity and geodiversity, planning policies should: ...promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets.

Asset mapping

117. Planning policies should: ...identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation.

Designated sites
113. Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

**Site allocation - Brownfield sites**

111. Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

**Irreplaceable habitats including ancient woodland and veteran trees**

118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles... planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

**General landscape**

156. Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver... conservation and enhancement of the... landscape.

**Tranquility**

123. Planning policies and decisions should aim to... identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

**Light pollution**

125. By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

**Protect and enhance access**

75. Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

We therefore advise that to achieve consistency with the NPPF, the council either addresses these matters within the Core Strategy, or sets out within the Core Strategy how they will be addressed in supplementary documents.

**Specific comments**

Key Statement DME1: Protecting Trees and Woodlands. We would encourage the Council to include reference to the need for successional tree planting in this section so that tree cover is maintained into the future.

Veteran and Ancient Trees. It may be clearer if the measures included planning conditions as well as “appropriate legislation and management regimes”.

The strategic site. The distance from the strategic site to the Forest of Bowland AONB is approximately 1.2km. It is not clear what landscape evidence has been used to determine that the impact to the AONB from this allocation is acceptable. We note that the Sustainability Appraisal states that for option D (the strategic site), key weaknesses include “The scale of the strategic site has potential to result in local landscape and visual intrusion, including views from the AONB towards Clitheroe” (page 54) However, there does not appear to be any site specific assessment of the landscape impact on the AONB. In the absence of such evidence, our advice is that this
allocation would not be justified, and the strategy would be unsound. NPPF Para 115 says: "Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

DMB5: Footpaths and Bridleways. We note that the borough propose to protect certain classes of footpaths from development, which meet all four criteria listed. NPPF para 75 says: "Planning policies should protect and enhance public rights of way and access", and advise that the policy as it stands is not consistent with the NPPF. We also feel it might be helpful to make clear that merely retaining the public right of way when development occurs will not ensure that the pedestrian environment is maintained, as the attractiveness of that route may be degraded. This may occur, for example, where the route becomes enclosed (physically or visually), or the surrounding landscape becomes urbanised. We advise policy wording is adjusted to capture this. In situations where a public right of way will inevitably become less attractive (possibly at the strategic site), we suggest that the policy should require compensatory enhancements such that there is a net improvement to the public right of way network.

DMG1: General Considerations. We are not sure what the phrase "With regards to possible effects upon the natural environment, the council propose that the principles of the mitigation" means.

Monitoring. National Planning Policy Framework states that: "117. Planning policies should: ...identify suitable indicators for monitoring biodiversity in the plan." We advise that indicators should monitor the effects of the plan, not merely, for example, the "Proportion of Local Sites where positive conservation management is being achieved", which is largely determined by factors outside the plan's control.

Habitats Regulation Assessment

Natural England notes that the council has used the conservation objectives of the component SSSIs, rather than those of the SPA and SAC. The correct conservation objectives to be used can be found at: http://www.naturalengland.org.uk/ourwork/conservation/designatedareas/sac/northwest.aspx. Whilst we do not anticipate that using the correct objectives will lead to a different conclusion, until the Council has used the correct objectives, we cannot concur with the conclusion of the Habitats Regulation Assessment, and therefore advise that this work is revisited using the correct conservation objectives, and we are reconsoled on the outcome.

Sustainability Appraisal

Natural England has no comments to make on this document.

Infrastructure Plan

The introduction to the infrastructure plan states: “The report covers the following areas: Physical, Social and Green infrastructure - existing provision, known planned provision and expected future requirements. How future infrastructure requirements will be addressed in general terms and whether any significant shortfalls in future provision exist in relation to proposed development options”. As far as the sections relating to the natural environment are concerned (Public Rights of Way and Cycle Routes, Green Infrastructure, Country Parks and Green Public Realm, National Parks and Nature Conservation Areas, Areas of Nature Conservation), they do not appear to describe expected future requirements, nor whether any significant shortfalls in future provision exist in relation to proposed development options. We advise that this should be thought about in the context of our comments with respect to consistency with the NPPF above.

For any correspondence or queries relating to this consultation only, please contact Charles Routh on 07990 773630. For any new consultations or issues, please contact consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.
Yours sincerely