

CHAPTER 21: THE NATURAL ENVIRONMENT

NE/2 – Designated Sites of Ecological Importance

Objections:	308/16	Federal Mogul T & N Limited
	310/203	Redrow Homes (Lancashire) Ltd
	343/35	English Nature
	344/1	NFU North West Region
	484/201	Quarry Products Association

Key Issue:

- **does the policy reflect national planning guidance and other reasonable planning considerations?**

Inspector's Reasoning:

21.1 To begin, the Council brings forward Pre-Inquiry Changes 24 and 25. The policy has been substantially recast at Revised Deposit Draft to reflect, broadly, a hierarchical approach to international, national and local (including regional) designations. As a result, Objections 343/35 and 344/1 have been conditionally withdrawn. Further, Pre-Inquiry Change 24 (criteria being reordered by Inquiry Change 31) has fairly met the objection by 484/201 through the addition of criterion iv) to Part C of the policy - albeit I see that the Council has not re-punctuated the policy as a result of the Change. All, not unreasonable. On this policy, national planning guidance in PPG 9: Nature Conservation (paragraph 18) indicates, generally, that local planning authorities should have regard to the varying tiers of designation. Similarly, UDPs should identify relevant international, national and local nature conservation interests (paragraph 24). All this, the policy - overall - sets out to achieve.

21.2 As to the wording of the policy, its second line includes the word "supported" (this relating to "enhancement measures") - this reflecting an aim/objective. Next, the 3rd line to A) includes "rigorous examination". The approach at B) [SSSIs] refers, however, to "special scrutiny" - consistent with paragraph 29 of the guidance. While the basis for both assessments is not defined, the word rigorous reflects the English Nature view and the general intent of paragraphs 30-33 of PPG 9 is to acknowledge that Agency's role in the consultation process. On balance, I am prepared to support it. While the "tiered" approach would be reflected, a limited rewording of the policy is required to establish an acceptable development control tool. That would establish sufficient control - including the role of Sites of Biological Importance [SBIs (308/16)]. The effect of Pre-Inquiry Change 25 would be to add a reference to geological sites of importance at the first line of the policy, reflected elsewhere in the policy - under C). That also refers, however, to geomorphological sites and there should be consistency.

- 21.3 This, then, takes me to Objection 310/203 - general support for the hierarchical approach but seeking clarification of C). Here, I am satisfied that SBIs reflect - within Rochdale - the intentions of paragraphs 14 to 18 to PPG 9. Particularly, non-statutory sites help to form a network necessary to ensure the maintenance of the current range and diversity of flora, fauna, geological and landform features. As such, I do not consider that the use of the words "key component" (paragraph 21.6) in this Metropolitan Borough would be undesirable - albeit SBIs have varying importance. The development plan framework established by the UDP should also be able to respond to additions to the designation - it should not be "static". This would be based, I am satisfied, on expert assessment. If necessary, that would be tested through the development control process. SBIs are not shown on the Proposals Map. There are a substantial number. Any developer pursuing a proposal would reasonably be expected, in the light of NE/2, to establish whether a SBI relates to its site. That information would be likely to be readily available from the Council and I am not persuaded that the addition of further detail to the Proposals Map is justified.

Recommendations:

21.4 I recommend that the plan be modified along the following lines:

- **Modify the plan in accordance with Inquiry Change 31 subject to: the deletion of the word "or" at C) ii; and the deletion of the full-stop at the end of C) iii and its replacement by "; or".**
- **Delete the heading to the policy and substitute: "Designated Sites of Ecological and Geological/Geomorphological Importance."**
- **Delete the first 3 lines of the policy at Revised Deposit Draft and substitute:**

"Development proposals adversely affecting sites and areas of ecological and geological/geomorphological importance will not be permitted, the Council seeking to protect and enhance them. In assessing proposals, the Council will apply national planning policy as it relates to international, national and local (including regional) designations as follows:"
- **Add sub-headings to A), B) and C) as follows: "International Designations"; "National Designations"; and "Local and Regionally Important Designations", respectively.**

NE/3 – Biodiversity and Development

Objection: 458/212 Campaign for the Protection of Rural England

Key Issue:

- **should the policy state the features covered by Regulation 37 of the Habitat Regulations 1994?**

Inspector's Reasoning:

21.5 The Council's Pre-Inquiry Change 26 would add examples of features to the reasoned justification at paragraph 21.10. The objection has been conditionally withdrawn. I have no reason to disagree.

Recommendation:

21.6 I recommend that the plan be modified along the following lines:

- **Modify the plan in accordance with Pre-Inquiry Change 26.**

NE/6 – Landscape Protection and Enhancement

Objection: 98/59 Countryside Agency North West

Key Issue:

- **should a landscape character approach be a key element underpinning the UDP?**

Inspector's Reasoning:

21.7 No. I see that the objector welcomes the inclusion of the policy. Sufficient control would be established by NE/6 to ensure that landscape considerations would be taken into account in the assessment of any development proposal. They would be likely to be one of a number of matters that the decision-maker would need to assess - these including the strategy of the plan and its Key Objectives. Nonetheless, although not the subject of objection, I advise the Council that the wording of the policy represents an aim/objective, rather than one indicating the nature of development proposals that would be permitted. It should consider a rewording of the policy.

Recommendation:

21.8 I recommend that:

- **No modification be made to the plan in response to this objection, but the Council is advised to consider the last 2 sentences of paragraph 21.7 above.**

NE/8 – Development Affecting Trees and Woodlands

Objection: 156/5 Hopwood Community Association

Key Issue:

- **should the policy be included within the UDP?**

Inspector's Reasoning:

21.9 This objector reasonably raises the matter of who would define “unacceptable” in the policy. While, that, would be a matter for the decision-maker taking into account, and balancing, all other relevant policies of the UDP (as well as material considerations) - the use of the word in the specific circumstances of this policy does, however, concern me. It implies that a development proposal would fail on the basis of the policy alone. That would not necessarily be the case. In my opinion, it would be preferable for the policy to indicate the type(s) of development that would be permitted - this in the knowledge that the decision-maker would be required to assess all considerations. That would include any British Standard, there being no need to refer to it (them) in the policy. Thus, the policy should establish whether there would be an adverse effect, then an assessment of “unacceptable” would follow from a wider, balancing, consideration.

21.10 Having dealt with that matter, the objector considers that the policy is vague. I have some sympathy with that view. It appears to me to include, unsatisfactorily, matters better dealt with in the reasoned justification to the policy (last 3 sentences of the first paragraph to the policy). They are already fairly covered there. Further, while criteria a) to h) represent relevant considerations for the policy, they should be linked to a shortened policy. As a whole, NE/8 requires modification - albeit the general intent is supported. Now, other matters. **Firstly**, the heading to the policy is as set out above - yet the first line of the policy statement includes hedges. **Secondly**, the first line of the second paragraph of the policy excludes hedges, yet sub-paragraph a) excludes woodlands that are included within the first line of the paragraph. **Thirdly**, the second sentence to the first paragraph of the policy statement refers to “groups of trees”. Is this supposed to be “woodland(s)”? **Finally**, does the policy relate to a tree or trees, a

hedge or hedges and woodland or woodlands? The policy is not clear. As I do not understand that to which the various elements of the policy relate - it would be reasonable of me to conclude that neither would a potential developer. It should. The Council should revisit the policy as a whole, taking into account the above. I make a general recommendation on the policy, while dealing with the objection, but being far from certain on the Council's intent.

Recommendation:

21.11 I recommend that the policy should be modified along the following lines:

- **The policy should, perhaps, say something like: development proposals will be permitted that do not adversely affect trees, woodlands or hedges. Then, matters a) to h) would be reworded as criteria against which the first sentence of the policy would be tested - again, if that is what the Council intends, and removing anomalies.**

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