

Matter 10 Natural Environment

Issue – Whether the approach towards the natural environment is justified, effective and consistent with national policy?

Relevant policies: SP N1PU-N4PU; N5PU; SP N6PU-N12PU; N13PU; N14PU

Conserving and Enhancing Biodiversity and Geodiversity (SP Policy N1PU)

10.1 Does Policy N1PU provide an effective basis for the consideration of the effect of development on biodiversity and geodiversity? Is the policy justified, effective and consistent with national policy? Are suggested modifications MA-LP150-151 necessary in the interests of soundness?

10.1.1 The Natural Environment and Rural Communities Act 2006¹ and section 102 of the Environment Act 2021 places a duty on Local Authorities to conserve (and in the case of the latter also enhance) biodiversity. The Policy is justified as it helps the Council fulfil this duty by ensuring new development conserves and enhances biodiversity within the borough. This also aligns with the NPPF (Chapter 15) which states that planning policies should contribute to and enhance the natural and local environment.

10.1.2 The policy is effective as it clearly sets out the mitigation hierarchy that developers must undertake when designing their proposals.

10.1.3 Suggested Main Modification MA-LP150 (CD14) is required to rectify a typographic error in the policy as it is written in the Publication Draft in order to improve its legibility. It is not necessary in the interests of soundness but will make the policy easier to understand.

10.1.4 Suggested Main Modification MA-LP151 (CD14) is required to ensure the policy is sound. As it stands the policy does not refer to Sites of Scientific Interest as these do not form part of the National Site Network. The word “or National” is required for clarity as SSSIs are designated at the national and not European level.

10.1.5 The policy, post modification, is consistent with national policy, specifically the following paragraphs in the NPPF:

- Paragraph 174a: *“Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)”*
- Paragraph 175b: *“To protect and enhance biodiversity and geodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species;...”*
- Paragraphs 180-182 (not replicated here due to their length)

10.1.6 The supporting text, which identifies the hierarchy of international, national and locally designated sites of importance for biodiversity aligns with paragraph 179a of the NPPF.

Local Nature Recovery Networks (SP N2PU)

¹ <https://www.legislation.gov.uk/ukpga/2006/16/contents>

10.2 Is it appropriate for Policy N2PU to refer to Local Nature Recovery Networks which extend beyond the borough’s boundaries? Is the policy justified, effective and consistent with national policy?

- 10.2.1 The Council suggests that Main Modification MA-LP152 (CD14) is considered by the Inspector in light of the fact that the Council is limited in terms of the impact the Local Plan can have beyond its boundaries.
- 10.2.2 Local Nature Recovery Networks and Strategies were introduced part way through the Local Plan process and are still evolving, along with the national guidance around them.
- 10.2.3 The policy confirms the Councils commitment to Local Nature Recovery Networks and is justified as planning decisions could have potential negative impacts upon them. The policy provides a reminder to applicants that the LNRS should be considered when drawing up proposals. The Council is in the process of producing a Biodiversity Technical Paper, which following Local Government Reorganisation, could form the basis of a Supplementary Planning Document. This will provide further guidance to developers as to how their developments can support LNRS for example by developing away from areas identified as sites for protection or restoration that provide important links as part of the wider network.
- 10.2.4 Post-modification, the policy is considered to be justified and effective as it helps support, and raise awareness of the pilot Local Nature Recovery Strategy². Further details could be provided in the supporting text to explain how consideration will be given to the Strategy in practice i.e. by directing development away from areas for protection and recovery and directing biodiversity net gain towards them.
- 10.2.5 The policy is consistent with Section 40(2A) of the Natural Environment and Rural Communities Act 2006³ (duty to conserve biodiversity), sections 102 and 105 of the Environment Act 2021⁴ and paragraph 179 of the NPPF.

Biodiversity Net Gain (SP N3PU)

10.3 Is the approach to biodiversity net gain set out in Policy SP N3PU in accordance with the Environment Act 2021 and national policy?

- 10.3.1 Yes, the policy requires a minimum 10% net gain in biodiversity which aligns with the requirement set out in the Environment Act, Schedule 7a, Part 1⁵. It also supports the NPPF, paragraph 174, criterion d. The Policy includes a link to Policy N1 to ensure that avoidance is considered first as part of the mitigation hierarchy.

10.4 Is the proposed hierarchical approach to off-site provision effective and justified?

- 10.4.1 The approach is justified as it allows for biodiversity net gains to be kept within the local area where they cannot be provided on site, before national biodiversity credits should be

² <https://www.cumbria.gov.uk/planning-environment/lhrs/default.asp>

³ <https://www.legislation.gov.uk/ukpga/2006/16/contents>

⁴ <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

⁵ <https://www.legislation.gov.uk/ukpga/2021/30/schedule/14/enacted>

considered. Sites which are available and suitable for net gain will be identified through the Local Nature Recovery Strategy process.

10.4.2 The policy is effective as it is clear about where developers should consider first in terms of off-site net gain.

10.5 Is the approach to monitoring and management effective and justified?

10.5.1 The policy is effective as it clearly sets out what is required from developers in terms of biodiversity net gain; this will result in improvements to biodiversity across the borough.

10.5.2 The approach is justified as it accords with Environment Act Part 6 (paragraph 1002b)⁶ which requires that the biodiversity gain site is maintained after the completion of the works for a 30 year period. The 30 year period also follows guidance⁷ from Natural England which states that “*BNG requires habitats be secured for at least 30 years, which means they must be managed and monitored*”.

10.6 Is it appropriate to have a baseline date of 30th January 2020 where there is evidence that the baseline has been intentionally lowered or should the baseline date be consistent with the Environment Act (time of application)?

10.6.1 The Council considers the approach set out in paragraph 15.10.11 of the Plan to be consistent with the Environment Act 2021⁸. The 30th January 2020 date is only relevant where the baseline has been intentionally lowered as per paragraph 6b of the Act below.

“Pre-development biodiversity value

5(1)In relation to any development for which planning permission is granted, the pre-development biodiversity value of the onsite habitat is the biodiversity value of the onsite habitat on the relevant date.

(2)The relevant date is—

(a)in a case in which planning permission is granted on application, the date of the application, and

(b)in any other case, the date on which the planning permission is granted.

(3)But the person submitting the biodiversity gain plan for approval and the planning authority may agree that the relevant date is to be a date earlier than that specified in subparagraph (2)(a) or (b) (but not a date which is before the day on which this Schedule comes into force in relation to the development).

(4)This paragraph is subject to paragraphs 6 and 7.

⁶ <https://www.legislation.gov.uk/ukpga/2021/30/part/6/crossheading/biodiversity-gain-in-planning/enacted>

⁷ <https://naturalengland.blog.gov.uk/2021/09/21/biodiversity-net-gain-more-than-just-a-number/>

⁸ <https://www.legislation.gov.uk/ukpga/2021/30/section/100/enacted>

6lf—

(a) a person carries on activities on land on or after 30 January 2020 otherwise than in accordance with—

(i) planning permission, or

(ii) any other permission of a kind specified by the Secretary of State by regulations, and

(b) as a result of the activities the biodiversity value of the onsite habitat referred to in paragraph 5(1) is lower on the relevant date than it would otherwise have been,

the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.”

10.6.2 The policy also aligns with Planning Advisory Service Guidance⁹ which states that “*Guidance Within Schedule 14 of the Environment Act, which sets out the biodiversity gain condition for development, measures are included that allow planning authorities to recognise any habitat degradation since 30th January 2020 and to take the earlier habitat state as the baseline for the purposes of biodiversity net gain*”

Marine Planning (SP N4PU)

10.7 Does SP N4PU provide an effective basis for the protection of the marine environment? Is it justified and consistent with national policy?

10.7.1 The borough contains a 27km stretch of coastline which is designated as a Marine Conservation Zone. The coastline is covered by the North West Inshore and Offshore Marine Plan. The Policy is justified as it is required in order to protect our coastal environment and ensure that decisions are made in line with the Marine Plan.

10.7.2 The policy is effective as it clearly sets out which policies within the Marine Plan developers should consider when drawing up their proposals where development has the potential to harm the marine environment.

10.7.3 The policy is consistent with national policy, specifically the following paragraphs in the NPPF:

- Paragraph 170: “*In coastal areas, planning policies and decisions should take account of the UK Marine Policy Statement and marine plans. Integrated Coastal Zone Management should be pursued across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes.*”
- Paragraph 174a and e: “*Planning policies and decisions should contribute to and enhance the natural and local environment by...a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);...e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil,*

⁹ <https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-local-authorities/biodiversity-net-gain-fags#:~:text=Within%20Schedule%2014%20of%20the,purposes%20of%20biodiversity%20net%20gain.>

air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality...”

Protection of Water Resources (Policy N5PU)

10.8 Does Policy N5PU provide an effective basis for the protection of water resources?

10.8.1 The policy as set out in the Local Plan Addendum document provides an effective basis for the protection of water resources in the borough. The policy clearly sets out what is required from developers in order to protect water resources. The text supporting the policy explains the reasons for this and describes the current condition of water resources in the borough. A number of minor modifications have been proposed to section 15.12 to ensure the text is clear and relates to all types of water resource.

10.9 Do the suggested amendments to the Policy and supporting text, proposed through the Addendum (July 2022), provide an effective basis to consider the effect of development on nutrient neutrality? What response has been received to consultation?

10.9.1 The Policy as shown in the Local Plan Addendum document (CD7) was produced in light of comments made by Natural England at Publication Draft stage. The updated policy provides an effective basis to determine the effect of development on nutrient neutrality, although it is acknowledged in the supporting text that the approach at national level may change and additional National Site Network sites may be affected by nutrient neutrality in the future.

10.9.2 Natural England raised no objections to the wording in the Addendum document during the public consultation. Friends of the Lake District suggested additional wording to the policy (see page 221 of the Consultation Statement CD13) however this was not considered necessary. Home Builders Federation also raised a number of concerns regarding the updated policy (see page 222 of the Consultation Statement), including concerns about the impact upon viability.

10.10 Overall, is the policy justified, effective and consistent with national policy?

10.10.1 The Council considers the policy to be justified, effective and consistent with national policy.

10.10.2 In terms of the justification for the policy, the NPPF, paragraph 174e, requires that planning policies and decisions contribute to and enhance the natural and local environment by *“preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans”*

The Policy does this by requiring all new development to protect or improve the quality of surface and groundwater resources and deal appropriately with waste water in line with the above. It also requires developers to take into consideration the North West River Basin Management Plan¹⁰.

¹⁰ <https://www.gov.uk/government/publications/north-west-river-basin-district-river-basin-management-plan>

The policy also helps mitigate the impacts of climate change by ensuring there is sufficient water resource available to meet current and future needs and through requiring water efficiency and saving measures. This is in accordance with paragraph 153 of the NPPF which states *“Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures”*

10.10.3 The effectiveness of the policy is discussed in paragraph 10.8.1 above.

10.10.4 The policy is consistent with national policy, namely the following paragraphs in the NPPF:

- Paragraph 153: *“Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.”*
- Paragraph 174e: *“Planning policies and decisions should contribute to and enhance the natural and local environment by...e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans”*

Landscape Protection (SP N6PU)

10.11 Do the criteria set out in Policy SP N6PU provide an effective basis for the consideration of the impact of development on the borough’s landscape?

10.11.1 The Council considers the policy to provide an effective basis for the above. It identifies the measures that will be taken to protect and enhance Copeland’s landscapes and sets out how development proposals will be assessed to ensure no landscape harm. It identifies the key evidence documents relating to landscape and requires that developers give them consideration at an early stage. Each document is discussed further within the policy’s supporting text.

10.11.2 The policy also makes reference to important landscapes within and adjoining the Local Plan area; the Heritage Coast and the Lake District National Park; requiring the natural beauty, wildlife and cultural heritage of both to be conserved and where possible enhanced.

10.12 Does the approach set out in the Policy provide an effective basis to ensure that the statutory purposes of Lake District National Park are fulfilled? Does the policy adequately reflect the need to ensure that development outside the National Park do not adversely affect its setting?

10.12.1 Yes, the policy uses almost the exact wording from Purpose 1 of the National Park in criterion c (*To conserve and enhance the natural beauty, wildlife and cultural heritage of the area*). The council has added the phrase “where possible” in order to recognise the fact that there may be cases where it isn’t possible to enhance these factors through development e.g. if it’s a minor, householder development. The second purpose of the National Park is to *“Promote opportunities for the understanding and enjoyment of the special qualities of the*

national park by the public.” Whilst this policy doesn’t contain criteria that promote such opportunities directly there are other policies which do, for example Policy CO6 which supports improved access to the open countryside.

10.12.2 Criteria b will ensure that development outside the National Park does not adversely affect its setting. Such development would be deemed to be “inappropriate change” under the criteria. They would also fail to meet the requirements of criteria c which require development to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park.

10.12.3 A minor modification has been suggested to ensure that developers also give consideration to the Lake District National Park Landscape Character Assessment under criteria c (MA-LP155) at the earliest stage. This should reduce the likelihood of a proposal being put forward which would adversely affect the setting of the National Park.

10.13 In overall terms, is the policy justified, effective and consistent with national policy?

10.13.1 The Council considers the policy to be justified, effective and consistent with national policy.

10.13.2 The policy is justified as it will help ensure the Council meets its duty to regard the purposes of the National Park through conserving and enhancing its natural beauty. It will also help ensure that other local landscapes are protected and enhanced. Evidence (Landscape Character Assessment (EB34) and Settlement Landscape Character Assessment (EB35-37) identifies that there are parts of the borough that are more sensitive to change than others. The policy will help ensure that development is directed away from such areas where possible.

10.13.4 The policy is effective as it clearly sets out how applications for development will be judged in order to identify whether they will result in impacts upon the landscape. It also directs developers to the relevant evidence documents to allow them to consider landscape at an early stage when drawing up their proposals.

10.13.5 The policy accords with national policy, specifically the following paragraphs in the NPPF:

- Paragraph 130c: *“Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)”*
- Paragraph 174: *“Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes”*
- Paragraph 176: *“Great weight should be given to conserving and enhancing 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 these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks”*

St Bees and Whitehaven Heritage Coast (SP Policy N7PU)

10.14 Does Policy SP N7PU provide an effective basis for the consideration of the effect of development on the St Bees and Whitehaven Heritage Coast? Is the policy justified, effective and consistent with national policy?

10.14.1 Yes, the policy provides an effective strategy for determining applications within or affecting the Heritage Coast. It clearly sets out what is required from developers when submitting

applications in such areas. National Trust, Natural England and Friends of the Lake District have all given support for this policy.

10.14.2 The Settlement Landscape Character Assessment, Part 3 (EB37) demonstrates that the Heritage Coast is sensitive to many forms of development.

10.14.3 The policy is consistent with national policy, specifically the following paragraphs in the NPPF:

- Paragraph 176: *“Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.”*

The Undeveloped Coast (Policy N8PU)

10.15 Is Policy N8PU justified, effective and consistent with national policy?

10.15.1 The borough’s undeveloped coast is one of its most attractive assets, providing space for recreation and biodiversity but the Landscape Character Assessment and Settlement Landscape Assessment (EB37) identifies that the undeveloped coast is sensitive to development. The policy is required to protect the undeveloped coast from inappropriate development.

10.15.2 The policy is effective as it contains a definition of what inappropriate development is whilst giving examples of the types of development that will be supported in order to maximise the enjoyment of this part of the coastline whilst” also protecting its character.

10.15.3 The policy is consistent with national policy, specifically the following paragraph in the NPPF:

- Paragraph 174c: *“Planning policies and decisions should contribute to and enhance the natural and local environment by...c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate”*

Green Infrastructure (Policies SP N9PU; SP N10PU; SP N11PU; SP N12PU)

10.16 Does SP N9PU provide an effective strategic framework for the provision of green infrastructure in the Borough?

10.16.1 The policy provides an effective overarching framework for other more detailed policies including those relating to green wedges and open spaces to link into. It is effective as it gives a commitment to the production of a Green Infrastructure Strategy which will contain and consider these specific types of GI referred to later in the plan as well as others. It also contains clear, specific measures that developers must incorporate into their developments in order to maximise GI in the borough.

10.17 How were the Green Wedges referred to in Policy SP N10PU and shown on the draft Proposals Map, defined? What evidence is there to support their designation? Is the Policy justified, effective and consistent with national policy?

10.17.1 Green wedges are a common feature in many Local Plans. Those within the Copeland Local Plan area were identified in the Council’s Settlement Landscape Character Assessment (EB15). Part 1 of the document notes that Green Wedges *“help to define and strengthen a*

sense of place in individual settlements, providing a clear distinction between town and country. They form a connection between areas of different landscape character, in particular connecting inland hills to the sea.” The consultants producing the SLCA identified the Green Wedges through a combination of desktop studies and site visits.

10.17.2 The policy is justified as it protects important areas of landscape from development unless certain criteria is met. As well as being important landscapes, green wedges also provide space for recreation (where they are publicly accessible), visual amenity (which has positive effects on well-being), biodiversity and flood risk.

10.17.3 The policy is effective as it clearly sets out what types of development will be supported within such areas. Such development will be limited.

10.17.4 Whilst national policy does not refer directly to Green Wedges, the policy is consistent with national policy, specifically the following paragraphs from the NPPF:

- Paragraph 20d: *“Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for...d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation”*
- Paragraph 92c: *“Planning policies and decisions should aim to achieve healthy, inclusive and safe places which...c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure...”*
- Paragraph 175 which states that Local Plans should *“...take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries”*.

10.18 How were the Protected Green Spaces shown on the draft Proposals Map and referred to in Policy SP N11PU defined? What evidence is there to support their designation? Is the Policy justified, effective and consistent with national policy?

10.18.1 Protected Green Spaces were identified through the Open Space Assessment (EB28) process. Existing open spaces within the previous OSA 2011¹¹ were assessed and Parish and Town Councils were contacted to see if any additional sites required consideration. A mapping exercise was also undertaken to ascertain if any open spaces had been created since the previous assessment as part of new developments.

10.18.2 The methodology used for the open space assessment follows that set out in Planning Policy Guidance 17 (PPG17) Companion Guidance; Assessing Needs and Opportunities’ published in September 2002¹². This document was replaced by the NPPF however as this doesn’t contain any guidance for assessing open spaces, it is common practice for Councils to revert back to the PPG.

¹¹ <https://www.copeland.gov.uk/attachments/copeland-ppg17-study-and-leisure-strategy-2011>

¹² <https://www.gov.uk/government/publications/assessing-needs-and-opportunities-a-companion-guide-to-planning-policy-guidance-17>

- 10.18.3 Each open space was given a typology based on site audits which were carried out between May and July 2019. The list of typologies can be found in Table 17 in the Local Plan Publication draft (CD1). Each site was classified based on its primary open space purpose. The sites were then assessed in terms of their quality and value. When determining whether a site was of high or low quality, their score was compared to a baseline threshold in the case of most typologies. The results of an online community survey were also taken into consideration when determining quality and value. Further information regarding these assessments can be found on page 7 and 8 of the OSA (EB28).
- 10.18.4 As well as considering quality and value, the consultants also looked at the provision of each typology within each settlement compared to provision levels across Copeland as a whole for most typologies. This information is presented as hectares per 1,000 population and gives an indication of where there are shortfalls in provision of certain types of open space.
- 10.18.5 Following completion of the OSA (EB28), a further open space was identified in Kirksanton. The settlement was missed from the original assessment as it did not fall within the settlement hierarchy at the time. The same methodology was used as above to assess the open space and the findings are contained within the OSA Addendum document 2022 (EB29).
- 10.18.6 The evidence within the OSA (EB28) and Addendum document (EB29) supports the designation of the open spaces under policy N11.
- 10.18.7 The policy is justified as the evidence above suggests that there is a shortfall of open spaces in general in particular settlements when compared to borough wide provision, and in some settlements there is a shortfall in particular typologies. Evidence relating to health and well-being (for example that shown on page 176 of the Local Plan Publication Draft (CD1) also demonstrate the importance of open spaces in increasing activity rates and improving health and wellbeing etc. Such spaces are also important for biodiversity and reducing flood risk.
- 10.18.8 The policy is effective as it clearly sets out that replacement provision will be required where development results in loss. The proposals map and Council's webmapping identifies which spaces are designated.
- 10.18.9 The policy is consistent with national policy, specifically the following paragraphs from the NPPF:
- Paragraph 84d: *"Planning policies and decisions should enable...the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space..."*
 - Paragraph 92b and c: *"Planning policies and decisions should aim to achieve healthy, inclusive and safe places... high quality public space, which encourage the active and continual use of public areas...enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure"*
 - Paragraph 98: *"Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments*

should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate”

- Paragraph 99: *“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements...”*

10.19 How were the Local Green Spaces shown on the draft proposals map and referred to in Policy SP N12PU defined? What evidence is there to support their designation? Is the Policy justified, effective and consistent with national policy?

10.19.1 All open spaces identified in the OSA (EB28) and Addendum document (EB29) were assessed against the criteria set out in paragraph 102 of the NPPF to determine if they were suitable for designation as a Local Green Space. This states that LGSs must be:

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.*

10.19.2 As well as being identified in the OSA, each LGS is shown and described in more detail in the Local Green Space document 2020 (EB30). Both documents include evidence to support each designation.

10.19.3 The policy is justified as it gives additional protections over and above those in Policy N11 to those spaces that meet the extra criteria set out within the NPPF (listed above).

10.19.4 The policy is effective as it clearly sets out the exceptional cases where development may be accepted within a LGS. There have been no objections received to the policy.

10.19.5 The policy is consistent with national policy. As well as aligning with the paragraphs in the NPPF listed in 10.8.9 above, paragraph 102 referred to in 10.19.1 above, the policy also consistent with paragraph 103 which states:

- *“Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”*

Trees, Woodland and Hedgerows (Policy N13PU)

10.20 Do the criteria set out in Policy N13PU provide an effective basis to protect woodlands, trees and hedgerows?

10.20.1 The policy is considered to be effective as it clearly sets out what is required from development proposals that affect trees within the borough. The second sentence relates to all other developments and encourages the incorporation of tree and hedgerow planting where possible and appropriate; the words “possible” and “appropriate” have been used recognising the fact that there may not be space to do this in some smaller developments.

10.20.2 In retrospect, the second sentence may be better placed after the third paragraph to make it clear that it relates to all other developments, excluding those which are likely to affect trees within the borough. In such cases the provision of trees is a requirement rather than something which is encouraged.

Community Growing Spaces (Policy N14PU)

10.21 Is Policy N14PU justified, effective and consistent with national policy?

10.21.1 The policy is justified as the borough is facing a number of health and well-being issues as set out on page 176 of the Local Plan Publication Draft (CD1). The provision of growing space will allow more people to become active and engage within their community which will have positive effects on health and well-being. The provision of such spaces also helps mitigate the effects of climate change, providing space for biodiversity, reducing flood risk and improving air quality.

10.21.2 The policy is effective as it lists the criteria proposals for community growing spaces will be judged against.

10.21.3 The policy is consistent with national policy, specifically the following paragraphs in the NPPF:

- Paragraph 84d: *“Planning policies and decisions should enable...the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space...”*
- Paragraph 92a, b and c: *“Planning policies and decisions should aim to achieve healthy, inclusive and safe places which... a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other...b) high quality public space, which encourage the active and continual use of public areas...c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, access to healthier food, allotments...”*
- Paragraph 120: *“Planning policies and decisions should recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production”*