

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?

Local Nature Recovery Networks (SP N2PU)

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?

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?

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

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

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)?

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?

Protection of Water Resources (Policy N5PU)

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

1. The first section of this policy suggests that new development must seek to protect or improve the quality of surface and groundwater. The HBF considers that it is not appropriate for the Council to require new developments to look to improve the quality of surface and ground water, this wording should be amended to protecting or maintaining the quality.

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?

2. The newly added section of the policy in relation to the need for nutrient neutrality whilst a useful acknowledgement that the Council will be considering nutrients does little to add to the existing Habitats Regulations Assessment (HRA) process. The HBF is also

concerned in relation to the implications of this policy, and particularly in relation to the viability of development, and considers that this may need further consideration.

3. The HBF would also suggest that the Council may want to further consider the role of the water industry in the protection of water resources and nutrient neutrality. This policy places a lot of emphasis on the development industry to protect water quality, to ensure water resources, to protect the environment and to create nutrient neutrality, whereas most of the actual responsibility for these elements will be reliant on the work of the water industry.
4. The Council will be aware that the Government published a written ministerial statement (WMS) in relation to improving water quality during the consultation period for this addendum. The WMS announces a package of measures that the Government will introduce to tackle the challenge of nutrient pollution. It proposes an amendment to the Levelling Up and Regeneration Bill that will place a new statutory duty of water and sewerage companies in England to upgrade wastewater treatment works to the highest technically achievable limits by 2030. This will also need to be taken into consideration.

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

5. The HBF does not consider that the policy is justified, effective and consistent with national policy for the reasons set out above.

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?

10.12 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?

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

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?

The Undeveloped Coast (Policy N8PU)

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

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?

10.17 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?

10.18 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?

10.19 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?

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?

Community Growing Spaces (Policy N14PU)

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