

Central Lancashire Local Plan Examination

Matters, Issues and Questions

Matter 12 – Environment Policies (Policies EN1-EN19)

Issue 12 - Does the Plan set out positively prepared policies in relation to the environment which are justified, effective and consistent with national policy?

12.1 Are the requirements of Policy EN1 clear and would they be effective? Are they consistent with requirements set out in the ‘Key Development Considerations’ for the site allocations? Are the requirements justified by appropriate evidence, having regard to national guidance? What is the justification for setting the nationally described space standards and the water efficiency requirement at 110ltrs per day? How is this supported by evidence?

Policy EN1 is a strategic policy, setting broad criteria to achieve high quality design, citing established tools and guidance which will help ensure consistent decisions are made. These tools include the National Model Design Code and Building for a Healthy Life, cited within NPPF (2023 and 2024) paragraph 138. In response to Regulation 19 representations, minor amendments have been proposed to the Plan’s Glossary to define ‘significant major development’ proposals ([CD03](#), proposed minor amendments MA40 and MA41).

The plan’s ‘Key Development Considerations’ (KDC) provide site specific information and development criteria, pursuant to aiding their delivery. They do not set requirements above those already set out in their respective parent policies, including EN1, where this is cited as a KDC.

Justification for introducing nationally described space standards (NDSS) and the water efficiency requirement at 110ltrs per day can be found within Optional Technical Standards Topic Papers [TP05](#), [TP05a](#) and [TP05b](#). Broadly, these studies found that most new build dwellings (particularly affordable units) built on major sites since the NDSS were introduced, failed as least one NDSS measurement. Appendix 2 of Topic Paper TP05 meanwhile, includes a submission from a consortium of water providers. They confirm the area suffers severe water stress and consequently requests local planning authorities to pursue the inclusion of the water limiting optional standard.

12.2 Are the requirements of Policy EN2 clear and would they be effective? Are they consistent with requirements in other policies within the plan?

The requirements of Policy EN2 are clear, consistent with the requirements of other policies and will be effective. Whilst Policy EN1 focuses predominantly on buildings, the purpose of Policy EN2 is to deliver high quality streets and open spaces. Consequently, its criteria cover themes such as landscape and movement. Established tools to ensure consistent decision making are cited, particularly the Government's 'Manual for Streets' guidance.

12.3 Are the requirements of Policy EN3 clear and would they be effective?

Yes. It is considered that the requirements of Policy EN3: Tall Buildings, are both clear and effective. Tall buildings are undefined in national policy (NPPF 2023/2024: Annex 2: Glossary) and have no direct design guidance in NPPG (Design: process and tools section). PPG (Ref ID: 26-001-20191001, Ref ID: 26-016-20191001) refers to the National Design Guide (2021) as a tool for assessing and improving design quality; in which paragraph 71 identifies some types of design principles for tall buildings, without elaborating on their constituent factors.

EN3(1) defines Tall Buildings and in EN3(4) defines significant tall buildings by locally set thresholds for each CLA area and the city centre. These definitions contribute to the effectiveness and clarity of the policy within the local context and to the consistency of how planning applications are assessed. Policy EN3 criteria a-j set out design principles for all tall buildings proposals, providing clear expectations of development, consistency, and transparency in how these proposals will be assessed. Policy EN3(2) identifies that the Design and Access Statement should show how proposals meet the Design Principles of Policy EN3; this information requirement contributes to the Policy being effective. Any significant tall building proposals would be required to attend early design review(s). The policy explanation states in the North-West this is currently undertaken by Places Matter. The policy explanation cites national guidance with which tall building proposals should be consistent.

Historic England representation D02.33 (CD10) supports Policy EN3 with no amendments suggested. The Lancashire and South Cumbria Integrated Care Board representation D13.4 (CD10) considers Policy EN3(3)(g) supports health infrastructure requirements for growth over the Plan Period. There were no objections to Policy EN3 in the Regulation 19 Consultation Responses (CD10).

12.4 Are the requirements of Policy EN4 clear and would they be effective? Does the policy take adequate account of the needs of established uses with regard to the “agent of change” principle?

Yes, the requirements of Policy EN4 are clear, and will be effective. The policy requires that development is well designed and is not harmful to the visual amenity of its surroundings, and that development will avoid harmful effects on the amenity of those occupying new development and the occupiers/users of existing properties nearby.

Yes, the policy takes adequate account of the needs of established users with regard to the “agent of change” principle. Under the agent of change principle, development must integrate with its surroundings, including existing adjacent uses. Following development, adjacent businesses and facilities should be expected to operate as normal. Consequently, where the introduction of users/ occupiers who may be sensitive to noise from adjacent land uses is proposed, mitigation should be included to shield them from those adjacent operations. Mitigation measures will vary depending upon the development’s typology and its location but should be clearly demonstrated within the development’s design and may be controlled through condition.

The CLAs’ Supplementary Planning Document: Design Guide (2012) ([CLA12](#)) provides further information of how developments should be designed to ensure a high standard of visual and residential amenity.

12.5 Are the requirements of Policy EN5 clear and would they be effective? On what basis were the sites allocated for Green Infrastructure both within the policy and on the policies map identified and are they justified?

Yes. It is considered that the requirements of Policy EN5 are both clear and effective. The Policy clearly sets out the requirements of development in terms of the protection and enhancement of Green Infrastructure and clearly identifies two sites for new green infrastructure and the provisions to be included within these allocations. Policy EN5 is effective because its requirements, and the allocations, are deliverable over the plan period and based on joint working between the CLAs.

Policy EN5 identifies land within the Policies mapping as Green Infrastructure (GI). Policy EN5 also allocates two specific sites to provide new GI – Harrisons Farm (EN5.1) and Central Park (EN5.2) and identifies these through the maps. These allocations are justified because they are based on evidence.

Green Infrastructure (GI)

In 2012, an Open Space and Playing Pitch audit was undertaken (by consultants KKP) of all open space within Central Lancashire. This included parks and gardens, natural and semi-natural greenspace, amenity greenspaces, provision for children and young people, allotments, cemeteries, civic spaces, and green corridors. Using the study mapping, the areas were designated in the CLAs' Local Plans' policies mapping as green infrastructure and form part of the currently adopted Local Plans of each authority.

An updated Open Space Assessment (2019) ([EV01](#)) has been completed for the CLLP. Consultants KKP again assessed publicly accessible open space sites across the three authorities to review the open space provision that exists in Central Lancashire and its quality. Paragraph 2.2 of the report confirms all known open space sites were identified and mapped through the study.

The GI designations are therefore justified because they have been carried forward from the adopted Local Plan's policies maps into the CLLP and then updated through the Open Space Assessment to reflect changes that have occurred since the original study, including that from development.

In Chorley, no existing green infrastructure is allocated on the policies map under Policy EN5. All types of green infrastructure are allocated under Policy HC6: Protection of Existing Open Space, Sport, and Recreation Facilities on the policies map. These allocations include all open space, sport and recreation facilities allocated in the current adopted Chorley Local Plan, unless they have been developed, and any new facilities that have been provided since adoption of the Local Plan.

In South Ribble, the green infrastructure allocated in the CLLP consists of all GI and open space and playing pitch designations in the adopted South Ribble Local Plan, unless sites have since been developed. It also corrects mapping anomalies of lawful designations identified since the adoption of the plan (relating to Langdale Road).

In Preston, the green infrastructure allocated in the CLLP consists of all open space and playing pitch designations in the adopted Preston Local Plan, unless sites have since been developed. PCC have reviewed all GI mapping layers to reflect where development has impacted on existing green infrastructure and have then modified the layers accordingly – including GI land around Ingol. It also consists of new areas of green infrastructure provided since the adoption of the Preston Local Plan, as identified

in the Open Space Assessment (e.g. the linear park and associated green infrastructure at Northwest Preston).

As with all policies mapping layers, representations have been invited on them through the CLLP's consultation stages to identify any errors or anomalies. Mapping modifications have been proposed by the CLAs ([CD04](#)) to correct GI boundaries (see PM09, PM10, PM15, PM21).

Harrisons Farm (Chorley) (EN5.1)

The site at Harrisons Farm (EN5.1) has been identified as being suitable for the allocation of Green Infrastructure, comprising a cemetery extension, provision of allotments, and as a biodiversity gain site. The majority of the site is owned by Chorley Council. Within the adopted Chorley Local Plan, parts of this proposed green infrastructure allocation are currently allocated for a cemetery extension and the provision of new allotments. These are still required, as such they have continued to be allocated in the CLLP.

The proposed cemetery extension is justified owing to the location adjacent to the existing Adlington Cemetery (as supported by A Bereavement Service Feasibility Report for Chorley Borough Council (CDS, March 2025), Section 8.2) ([EV18](#)). The allotment provision is sufficiently justified by evidence as presented in Allotment Provision in Chorley: Summary Report (CBC, January 2025) ([EV19](#)). Given the allotments site is an existing allocation, developer contributions have already been secured from planning applications towards these allotments.

The biodiversity gain site allocation has been identified owing to the following qualities of the site:

- Significant potential in the abundance and diversity of Biodiversity Units that can be created on the site, particularly when compared with other council sites investigated for BNG
- Biodiversity Units available for creation from this site would support the needs of council developments
- Considered low risk to create and enhance on the site for biodiversity (i.e. cost-effective), a key consideration when selecting and progressing sites for biodiversity net gain owing to the uncertainty and unknowns of the BNG market and future potential changes to legislation.

- The site is well placed to receive biodiversity enhancements via BNG mechanisms owing to its overlap with draft Lancashire LNRS opportunities and measures for habitat creation and enhancement, particularly for ponds, woodland, and grassland habitats.

Central Park (South Ribble) (EN5.2)

The allocation of the Central Park site (EN5.2) is justified because it is part of an established South Ribble Council strategy to connect open spaces between Lostock Hall and Penwortham, along former rail/tram lines. The project is known as ‘Central Park.’ The [South Ribble Local Plan](#) (2015), Policy G6: Central Park, designates the site on the adopted [Policies Map](#) and sets out the Council’s commitments to the delivery of the new parkland.

The Council remains committed to the delivery of Central Park, consequently, the allocation is carried forward into the CLLP as an area of Green Infrastructure (Policy EN5, Site EN5.2), reflecting the importance of the site to delivering green infrastructure within the urban area. Policy EN5(6) recognises that a limited amount of enabling residential development at Limekiln Farm may be necessary to support the viable delivery of the scheme. This is being delivered in conjunction with the landowners, Homes England. Initial designs for the park have been prepared and can be made available to the Inspectors upon request. The policy also confirms the creation of the park may also include the physical transfer of land to SRBC (it is presently owned by Homes England) and/or developer contributions.

12.6 Are the requirements of the Policy EN6 clear and consistent with national policy? Would they be effective?

Yes. Policy EN6 is clear in its intention and consistent with national policy. BNG is a statutory requirement for development to deliver at least a 10% increase in biodiversity value, and the associated requirements are set through legislation. For this reason, the NPPF (2023 and 2024) does not contain any formal reference to ‘biodiversity net gain’, as that is statutorily-led, but it does direct that planning policies and decisions should conserve and enhance the natural environment, including providing net gains for biodiversity (paragraph 180d (NPPF (2023)) and ‘pursuing opportunities for securing measurable net gains for biodiversity’ (paragraph 185(b),186(d), NPPF (2023)). Policy EN6 therefore sets local policy requirements for BNG to ensure developments can secure (measurable) net gains for biodiversity and thereby achieves consistency with national policy.

Policy EN6 does not unnecessarily duplicate or contradict national policy, but confirms and builds upon statutory requirements, including the use of an additional spatial hierarchy that compliments existing hierarchies (i.e. mitigation and biodiversity gain hierarchies). The policy requires developments subject to BNG provide sufficient information for the LPA (above the statutory minimum requirements) to enable the LPA to be better informed in decision-making, and this is supported through the CLA's Validation lists.

To address those concerns raised through the Regulation 19 consultation (A26.14), Policy EN6 does not require that BNG-applicable developments exceed 10% gain and therefore concerns of viability are unsupported as this is the statutory requirement. The wording in EN6(2) for developments to achieve 'at least 10% [BNG] unless exempt' is reflective of statutory requirements and the wording in the [BNG PPG](#) (Paragraph: 001 Reference ID: 74-001-20240214). Developments are, of course, welcome to exceed the 10% requirement and may have those higher uplifts weighed through the planning balance.

The additional spatial hierarchy set out in Policy EN6 is complementary of the BNG statutory metric spatial risk multiplier (SRM) and therefore not anticipated to have an adverse impact on viability. It is, however, recognised that the ability of developments to meet this additional hierarchy, where off-site units are required, depends on the availability of off-site Biodiversity Units in the private market.

Policy EN6 is also consistent with the legal duties of the Environment Act 2021, which directs local authorities to consider, and where appropriate direct interventions aligned to, the Local Nature Recovery Strategy (LNRS) (the draft LNRS can be found as [EV16](#)). It also supports legal duties under the Natural Environment and Rural Communities (NERC) Act 2006 to the conservation and enhancement of nature.

Policy EN6 is effective because it is considered deliverable over the plan period. The policy has been prepared considering feedback received through the CLLP consultation stages from Government Agencies (including Natural England) and NGOs (including The Wildlife Trust for Lancashire, Manchester and North Merseyside).

Policy EN6 does interchange terminology between 'no net loss' with 'net gain', whereas the NPPF refers to 'net gain' only. If the Inspectors are minded to, then the policy wording could be modified to refer to 'net gain' only to improve consistency with the NPPF.

12.7 Are the requirements of Policy EN7 clear and consistent with national policy? Would they provide an effective framework for biological and geological conservation? How would no net loss of the ecological or conservation value of designated sites and delivery of net gain be demonstrated and when would net gain be expected? Where potential cumulative impacts have been identified, how would these be assessed on a site by site basis?

Yes. It is considered that Policy EN7 is clear and consistent with national policy, particularly paragraphs 180 – 188 of the NPPF (2023) (or paragraphs 187-195 of the NPPF (2024)), by requiring the protection and enhancement of sites of biodiversity or geological value, and minimising impacts on and providing net gains for biodiversity.

A minor amendment (MA20) has already been proposed by the CLAs ([CD03](#)) to remove reference to ‘wildlife corridors’ which are currently listed under Policy EN7(1) as ‘designated sites’. This is inconsistent with the NPPF because wildlife corridors are widely understood as features/habitat contributing to habitat connectivity (similarly ‘stepping stones,’ see NPPF para 192). The proposed minor amendment (MA20) positively addresses concerns raised in the Regulation 19 representations and ensures consistency with national policy.

Yes – EN7 provides an effective framework for biological and geological conservation. The policy prioritises the avoidance of impact on features of biological and geological importance, and requires that impacts be minimised, mitigated, and compensated for in accordance with the mitigation hierarchy. The policy requires consideration of existing features and the emerging LNRS and lists the statutory and non-statutory designations for nature and geological conservation, including individual statutory designated sites, that require consideration to provide clarity.

Through the Regulation 19 representations, Natural England ([D26.12](#)) and the Lancashire Wildlife Trust ([D18.2](#)) confirmed support for Policy EN7 and considered the policy sound.

With regard no net loss, the policy requires that Ecological Assessments are provided to support applications of development proposals that may directly or indirectly impact designated sites and ecologically important features. The professional judgement of Ecological advisors/consultees will be relied upon to assess whether there will be no net loss and/or delivery of net gain. Net gain will be expected by proposals where red line boundaries overlap designated sites (either in whole or in part); statutory Biodiversity Net Gain requirements will ensure that net gain will be delivered.

Policy EN7(5) identifies that wintering bird surveys should determine a site's individual and cumulative importance for relevant bird species and inform mitigation proposals. The CLA's response to the Inspector's Initial Questions ([CLA03](#)) explains that surveys would need to be done in accordance with national guidance and defers to Natural England / ecological advisors as to how other proposed development sites should be considered to assess cumulative impacts (Question 1b).

In their response to the Initial Questions, Natural England confirm ([CLA03a](#)) that cumulative impacts must consider wider areas of functionally linked land (FLL) – supporting habitats used by the designated site bird population, or some of it, some or all of the time – and provide examples of the types of data which may be drawn from to identify these areas. Natural England then set out the information that is required to support decision making.

Where cumulative impacts are a possibility, the required Ecological Assessments will need to consider this, this may include requirements for site-specific Habitat Regulations Assessment (HRA) to demonstrate potential presence/absence of Likely Significant Effects (LSEs) resulting from the development proposals and cumulative impacts with nearby development sites and/or planning applications. Ecological advisors/consultees will be relied upon to review such information and provide advice on appropriate mitigation and/or compensation where avoidance is not possible.

Appropriate mitigation may include the provision of alternative off-site habitat to offset any loss resulting from development, and, if necessary, phasing of development.

Further explanation on cumulative effects and FLL is provided through the response to Matter 1, Question 1.5.

12.8 Are the requirements of Policy EN8 clear and would they be effective? Would they be consistent with the requirements in other policies of the plan and would they be viable?

Yes. It is considered that Policy EN8 is clear and effective (deliverable) in its requirements and is consistent with requirements across policies in the wider CLLP, particularly around Green Infrastructure and Biodiversity Net Gain. The replacement of trees/hedgerow is necessary to align with climate, amenity, and nature recovery objectives.

Paragraph 180 of the NPPF (2023), which has been strengthened by paragraph 187(d) of the NPPF (2024), requires development to deliver net gains for biodiversity and any

uncompensated loss or degradation of trees, woodland and/or hedgerow would conflict with this national policy. Paragraph 136 of the NPPF (2023 and 2024) sets out the importance of trees and how trees are to be incorporated into development. Policy EN8 is considered to be consistent with these and support effective delivery.

The CLA's Viability Assessment ([CD13/IT05](#)) considered the costs of Policy EN8's requirements, including professional advice fees and the costs of relevant tree and hedgerow planting (page 28) and, as part of the wider assessments, was confirmed to be viable. Required compensation of tree and hedgerow planting for unavoidable loss would typically be expected under mandatory BNG and so would not be expected to add any significant impact on viability of developments.

Where it can be demonstrated as an exceptional circumstance, off-site compensation will be considered, therefore the policy does include a degree of flexibility to support viability of development. The requirement for 2 for 1 tree replacement planting is recommended by the Woodland Trust (Local Authority Tree Strategies, Woodland Trust, July 2016) ([EV14](#)).

12.9 Are the requirements of Policy EN9 clear and consistent with national policy? Would they provide an effective framework for species protection?

Yes. It is considered that Policy EN9 is clear and consistent with national policy, particularly paragraphs 180(d), 185(b), and 186 (a) of the NPPF (2023)¹, in that it requires the application of the mitigation hierarchy to ensure appropriate retention, protection, mitigation, compensation and enhancement (where appropriate) in relation to protected species. The submission of Ecological Assessments detailing potential impacts and how these will be appropriately considered will ensure a robust framework for species protection; ecological consultees / advisors will provide robust site-by-site assessment so that the policy is effective. Measures within the policy complement other policies relating to protected sites, green infrastructure, and biodiversity net gain, to support the protection and recovery of biodiversity within Central Lancashire.

¹ paragraphs 187 (d), 192 (b) and 193 (a) of the December 2024 NPPF

12.10 Are the requirements of the water related policies EN10-EN12 clear, effective, and would they be consistent with national policy? In particular:

Yes, the policies are clear, effective, and consistent with national policy. The policies set out:

- a sequential approach to development
- requirements to ensure development will not increase flood risk elsewhere
- requirements that ensure the impacts of climate change will be considered
- requirements for mitigation in cases where there will be a residual flood risk
- a requirement for site specific flood risk assessments
- a hierarchy for sustainable drainage and a priority for the use of multi-function drainage system.

The policies relate to all sources of flood risk and are consistent with paragraphs 167-175 of the NPPF (2023), the PPG on Flood Risk and Coastal Change available at Regulation 19 stage. The policies are also consistent with the relevant parts of the NPPF (2024) and the updated PPG.

a) In relation to EN10 are the policy requirements in relation to agricultural land and flood mapping updates clear and would they be effective?

Yes, the policy requirements are clear and effective. Policy EN10 would only relate to agricultural land where development is proposed, this is consistent with planning law and national policy. The requirements within the policy would therefore apply consistently and effectively to all types of development, including agricultural development.

Bullet point 7 requires proposals to take into account the most up to date information held by the CLA's and evidence from other agencies. The CLA's and other agencies will periodically update flood mapping, and this is clearly and effectively addressed by this bullet point.

b) Does Policy EN10 adequately reflect considerations in relation to flooding from all sources, including surface water flooding (pluvial and sewer)?

Policy EN10 (1) requires that any proposals for development "... shall avoid areas at higher risk of flooding (as defined in the PPG) from all sources". The reference to 'all

sources' includes surface water and sewer flooding and is consistent with the NPPF (2023) (paragraphs 166 and 167) and the PPG.

Bullet points 2 and 3 also relate to all sources. If the Inspector considers additional clarity is required for consistency with national policy, the following minor amendments are suggested:

- bullet point 2 could be amended to read, "... demonstrate that it is safe from all types sources of flooding"
- and bullet point 3 could be amended to read, "Where a residual flood risk remains from any source after applying the sequential approach, to the location of development".

The policy adequately reflects the considerations for all sources setting out the sequential approach, climate change impacts, avoidance of any increase in flood risk, safety during the lifetime of the development, a requirement for mitigation/resistance/resilience in accordance with paragraphs 165-175 of the NPPF (2023) and the PPG on Flood Risk and Coastal Change (September 2025)

Should the Inspectors be minded to request modifications to respond to comments made by the Environment Agency, United Utilities and Lead Local Flood Authority (LCC), then the CLA's can consider the wording proposed through their Regulation 19 representations.

c) Does Policy EN11 and its supporting text provide clear guidance for developers and decision makers on how Sustainable Urban Drainage should be provided within developments?

Yes, Policy EN11 and the supporting text (paragraphs 7.76, 7.77 & 7.78) clearly set out when and how sustainable drainage systems should be incorporated into development and the priorities for providing multi-functional drainage systems. The policy requirement and associated text is consistent with paragraph 175 of the NPPF (2023) and the most recent updates to the NPPF (2024), the PPG on Flood Risk and Coastal Change (September 2025) and the National Standards for Sustainable Drainage Systems (July 2025). As these documents provide clear expectations and guidance there is no need to repeat the details within the Policy E11 or the associated text.

Should the Inspectors be minded to request modifications to respond to the Lead Local Flood Authority (LCC) and United Utilities' comments, then the CLA's can consider the wording proposed by both bodies through their Regulation 19 representations.

d) Does Policy EN12 and the supporting text adequately explain its requirements in relation to safeguarding public water supply?

Policy EN12 is clear and concise in explaining its requirements in relation to safeguarding public water supply. EN12 (1) states that development proposals must accord with the latest national guidance on Groundwater Protection, this refers to a suite of guidance which sets out these requirements. This reference also ensures that the policy remains up to date.

Should the Inspectors be minded to request modifications to respond to United Utilities' comments, then the CLA's can consider the wording proposed by United Utilities through their Regulation 19 representation.

12.11 Are the requirements of Policy EN13 clear, effective and consistent with national policy. In particular:

Yes – Policy EN13 is clear, effective, and consistent with national policy. The policy is clear in its requirements, and has been prepared in co-operation with Historic England, detailed through the Statement of Common Ground ([DC09](#)).

Paragraph 196 of the NPPF (2023) guides that plans should set out a positive strategy for the historic environment, taking into account a number of considerations, including sustaining and enhancing their significance, viably; making a positive contribution to local and historic character, and delivering social, cultural, economic, and environmental benefits. This is addressed through EN13(1) to (5).

Paragraph 196 to 204 NPPF (2023) set out how LPAs should require applicants to consider impacts on the significance of any heritage assets, including their setting, using historic environment records. This is addressed through EN13(1)(a) and (b), (2), (3) and (5).

Through the Regulation 19 consultation, Historic England (D02.36) raised concerns regarding an absence of locally specific criteria and an absence of strategic policy. The NPPF (2023) guides that strategic policies should address strategic priorities and strategic policies should set out an overall strategy for the pattern, scale and design quality of places for...d) conservation and enhancement of the natural, built and historic environment (paragraph 20) whilst plans should make explicit which policies are strategic policies – which should be limited to those necessary to address strategic priorities (paragraph 21).

The CLLP identifies a number of strategic policies, typically as the first policy within each thematic set of policies. For the ‘Environment’ based policies, *EN1: Well-Designed Places* is the strategic policy to respond to NPPF paragraph 20(d), with the subsequent policies providing necessary non-strategic detail. Policy EN13 is identified as a non-strategic policy.

The CLAs consider the policy is clear, effective, and consistent with national policy. However, should the Planning Inspectors consider the insertion of a strategic policy for the historic environment to be necessary, then the CLAs will be pleased to work with Historic England, to prepare a suitable policy. Historic England have already provided examples of locally specific strategic policies to the CLAs, but the CLAs wish to discuss the matter through the Examination.

Regulation 19 representation D11.4 suggests that Policy EN13 is not sound because the current wording of part (3) refers to the repair and re-use of designated heritage assets on the ‘At Risk Register’ and therefore listed buildings within the SS4 (Fulwood Barracks) strategic site allocation would be excluded because they are well maintained by the Ministry of Defence. The CLAs consider this to be a misinterpretation of the policy, and part (1) of the policy would guide the repair and re-use of designated assets. Part (3) is intended to give specific focus to those ‘at risk’ buildings to support their conservation and enhancement.

a) Does the policy provide clear direction in how the matter of “less than substantial harm” should be addressed?

The CLAs consider that direction in how matters of ‘less than substantial harm’ is appropriately provided through national, rather than local, policy.

Paragraph 208 of the NPPF (2023) (/paragraph 215 of the NPPF (2024)) states that “*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*”. [Planning Practice Guidance: Historic Environment](#) then provides relevant supporting guidance (Paragraph: 015 Reference ID: 18a-015-20190723) as to how substantial harm, or less than substantial harm should be categorised, and (at Paragraph: 016 Reference ID: 18a-016-20190723) as to how development proposals that will lead to less than substantial harm should have their optimum viable use taken into account when assessing the public benefits of a proposed development. Paragraph 017 (Reference ID: 18a-017-20190723) continues that appropriate marketing should be provided to evidence no viable use.

Through the Regulation 19 consultation, representors (A06.08 and D02 (Historic England)) raised concerns of inconsistency with the NPPF on the grounds that Policy EN13 as drafted does not address how matters of ‘less than substantial harm’ should be addressed and suggest additional policy wording. However, Historic England’s suggested wording largely repeats the NPPF (2023) paragraph 208 (paragraph 215 of NPPF (2024)) and NPPF paragraph 16(f)(2023/2024 NPPF) is clear that plans should “*serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)*”.

b) Does the policy provide adequate direction in relation to development which may impact upon archaeological assets?

Yes - Archaeology is referenced through the title of *Policy EN13: Heritage Assets and Archaeology*, and the intent is that archaeological assets are grouped collectively as ‘heritage assets’ for the purpose of considering development proposals. The justification text supporting Policy EN13 states, at paragraph 7.82 and 7.83, how non-designated assets of archaeological interest should be dealt with through a planning application. This is consistent with paragraph 200 of the NPPF (2023), and footnote 72, without Policy EN13 creating unnecessary duplication of national policy.

The CLAs note that through the Regulation 19 consultation, Historic England (D02.36) raised concerns that archaeology was not sufficiently detailed within Policy EN13 as drafted and suggested amendments to the policy wording. However, for the reasons outlined above, the CLAs consider that archaeology, including archaeological assessments, is adequately addressed within Policy EN13 and its supporting text. Should the Inspectors be minded to request modifications to respond to Historic England’s comments, then the CLAs can consider the wording proposed by Historic England through their Regulation 19 representation with reference to archaeology.

12.12 Are the requirements of Policy EN14 clear, effective and consistent with national policy. In particular, should the policy directly refer to water quality and unstable land? How will significant harm to soil quality be defined?

The requirements of Policy EN14 are clear, consistent with the requirements of other policies and will be effective.

The policy seeks to permit proposals for development where it can be demonstrated that there will be no significant levels of pollution, or that the pollution can be adequately mitigated. It does so through requiring robust assessments in line with national and internationally recognised standards.

The policy aims to only permit development that does not give rise to, or sites that would be subject to unacceptable levels of pollution, and that development appropriately evidences that identified risks can be sufficiently mitigated.

Paragraph 8, criterion (c) of the NPPF (2023), specifically notes that achieving sustainable development means to minimise waste and pollution. Paragraph 187, criterion (e) states that planning policies should 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; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Should the Inspectors be minded to request modifications to respond to Environment Agency's comments, then the CLA's can consider the wording proposed by the Environment Agency through their Regulation 19 representation.

The Councils consider that Policy EN14 is in line with national policy regarding unstable land, specifically paragraphs 124 c) and 180 f) of the NPPF (2023), and that the NPPF adequately addresses this issue for development. However, the CLA's recognise that wording proposed by the Mining Remediation Authority (regulation 19 representation D22) may help improve the clarity of the policy, and the CLA's are open to considering further amendments to the policy if the Inspectors deem it appropriate.

How will significant harm to soil quality be defined?

It is considered that these requirements can be considered and defined when development is required to comply with Criterion 2 (e) of Policy EN14.

The importance of managing soils effectively is not a new concept. The Defra Safeguarding our Soils: A strategy for England (2009) ([EV36](#)) identified the importance of effective soil protection during construction and development, this was further reinforced through the Construction Code of Practice for the Sustainable use of Soils on Construction Sites (2009) ([EV37](#)) The importance of Soils are also recognised in PPG (Paragraph: 002 Reference ID: 8-002-20190721). This section of guidance recognises that soil is an essential natural capital asset that provides important ecosystem services.

The code of practice sets out how soil should be managed on site from pre-construction planning through to landscape creation on construction sites. It identifies the need for the preparation of a Soil Resource Plan (SRP) for all construction sites where reuseable reserves of topsoil and /or subsoil have been identified by a soil recovery survey. These requirements would therefore be considered when development is required to comply with Criterion 2 (e) to demonstrate that development will not result in significant harm to soil quality.

In addition, Point 3 of the policy refers to the need for major developments to be accompanied by a Construction Environmental Management Plan. The supporting text then sets out the difference types of impacts that arise from development and it is expected that these issues would be considered through such a document which would address the issue of soils.

Work undertaken locally In Lancashire published in May 2025 has produced the Local Soils Model Policy and Guide ([EV38](#)) .Whilst this document was published post the CLLP publication, the processes considered are similar to the code of practice guidance.

The Local Soils Model Policy recommends that all major development proposals demonstrate careful consideration of sustainable soil management through the submission of a Soil Management Plan and Monitoring Strategy comprised of three parts:

- A Soil Quality Baseline Report that provides a clear baseline assessment of the existing soil quality of the site,
- A Construction Phase Soil Management Plan, and
- A Post-Construction Soil Management and Monitoring Strategy to ensure that the management of soils is appropriately undertaken after construction.

The soil quality baseline report would identify the existing quality on site including agricultural quality requirements where there is a greenfield site, and this will then inform the development of a soil management plan. It is considered that these principles can be incorporated into a Construction Environmental Management Plan where delivered.

In addition, the preparation of Site Waste Management Plans, whilst no longer required by legislation (but encouraged by Defra to be prepared on a voluntary basis) are recognised as a valuable document to minimise waste through the lifecycle of the

construction project when materials are handed correctly. Where prepared, such documents identify the importance of onsite storage and segregation, and this is particularly important where good quality soil is removed as part of the development to be reused later, preventing any onsite contamination of this material which would result in harm to soil quality.

12.13 Are the requirements of Policy EN15 clear, effective and consistent with national policy. In particular:

Yes – the requirements of Policy EN15 are clear, effective, and consistent with national policy.

The policy provides clear instruction regarding how development proposals in the Green Belt will be considered, by adding additional local detail to assist with the application of national Green Belt policy. As paragraph 7.98 of the CLLP explains, whilst the national policy regarding Green Belt is very prescriptive, many of the terms and tests are not clearly defined at that level. Policy EN15 seeks to add this local level detail. Policy EN15 is therefore consistent with the NPPF as the local policy details relate directly to the terms and tests set within national policy (NPPF (2023) paragraph 154). EN15 will be effective, as it's criteria will help ensure consistent decision making. Amendments MA26-32 are proposed ([CD03](#)), if the Inspectors are minded to update the policy to be consistent with NPPF (2024).

Some Regulation 19 representations argue that EN15 is inconsistent with NPPF (2024). Objections contend that both that the policy as drafted should be updated to reflect the NPPF (2024) (A31.18, A49, A60.15, A63.4) and/or that the policy should be deleted as it is superseded by the NPPF (2024) (A24.12, A26.8, A45.11). However, many of these comments seem to miss the core purpose of the policy as set out above.

Other representations objected to the restrictiveness of criterion (c) defining disproportionate additions (A05.01); local interpretation of 'limited' and 'infilling' (A63.4); the requirement of Green Belt assessments (A63.4); and a request for Natural England guidance to be referred to in criteria (g) (D26.15).

Part (a) of this question responds to thresholds within the policy. Part (b) responds again to the changes resulting from the NPPF (2024), to bring the policy up to date. In relation to those other concerns raised, the CLAs maintain that Green Belt assessments are a useful tool to show how policy tests have been met, and Paragraph 7.100 of the CLLP explains the associated local requirements. The CLAs do not consider that Natural England guidance should be referred to in criteria (g) because the

purpose of the policy is to add local detail to NPPF paragraph 154, and their national guidance falls outside this scope.

a) How were the thresholds identified in the policy arrived at?

NPPF (2023) para 16c) necessitates that plans should contain policies that are clearly written and unambiguous.

‘Disproportionate additions’

To ensure national Green Belt policy can be applied consistently with regards to extensions, criterion c) defines ‘disproportionate addition’ to be an uplift of 30% in volume (from the original building). 30% is considered appropriate as this balances the competing need for growth, whilst also ensuring that the extension remains subservient to the host building and results in limited harm to the Green Belt. A 30% threshold for ‘materially larger’ development is also applied for the same reason.

These thresholds were arrived at through reviewing Local Plan policies and SPDs adopted by other Green Belt Local Planning Authorities. These include:

- St Helens Local Plan up to 2037 (2022), Policy LPD05, page 180 ([EV27](#))
- South Gloucestershire Local Plan (2017), Policy PSP7 page 22. ([EV28](#))
- Sefton (2017), Policy MN7, page 62 ([EV29](#))
- Rotherham (2018), Policy SP4, page 40. ([EV30](#))

‘Limited infilling in villages’

The CLAs receive numerous applications for schemes purporting to be ‘limited infilling in villages,’ in compliance with paragraph 154e of the NPPF (2024). This form of development is unplanned, often leads to the ribbon development away from rural villages in less sustainable locations and can put strain on rural services.

There are numerous appeal decisions on this topic which assist in determining whether applications meet the relevant NPPF criteria. However, appeal decisions are inconsistent when interpreting the phrase ‘limited infilling in villages.’ Advice has previously been sought from Counsel as to whether an SPD could provide local interpretation of the phrase, but it was recommended that thresholds be established through the Local Plan itself. In a recent appeal decision, APP/F2360/W/23/3332988 (Chain House Nursery) ([EV31](#)), the Inspector commented that “*the term “limited*

infilling” is not defined within either the LP or the Framework” (para 8), thereby implying it is appropriate to define ‘limited infilling’ within the Central Lancashire Local Plan.

In relation to ‘limited infilling in villages,’ the definition of ‘village’ is defined by the settlement hierarchy which clearly identifies the settlements within Central Lancashire which are ‘villages.’ This removes any uncertainty for decision makers. The threshold for ‘limited’ development was established following a review of previous appeal decisions. 4x dwellings is cited as the maxima within Criteria e) as this is consistent with the interpretation of the term ‘limited’ by Inspectors in appeal decisions within South Ribble and other nearby Green Belt authorities, for example, APP/F2360/W/23/3332988 (Chain House Nursery) (EV31) and APP/P2365/W/19/3235741 (Bescar Goods Yard) (EV32).

In the Kirklees Local Plan (2019) (19.1.7 Limited infilling in villages, paragraph 19.31) (EV33), it is noted that a threshold of 2 dwellings is considered appropriate, as the provision of services in villages is often scarce. The Plan already allocates sites within villages. Consequently, it is expected that permitting infill plots of greater than 4 units would put additional strain on rural infrastructure and services.

In relation to the proposed definition of ‘infilling’, this is also derived from previous appeal decisions such as Appeal Ref: APP/F2360/W/23/3329504 (Newgate Lane) (EV34) where the Inspector concluded that *“it is common ground that neither the Framework nor Policy G1 of the LP (South Ribble) define ‘limited infilling’. Instead, it becomes a matter of judgement that is left to the decision maker. Both Inspectors in the previous appeals considered that ‘limited infilling’ represented the development of a small plot in an otherwise built-up frontage.”* (para 10). Given the consistency in previous appeal decisions, the Council propose to adopt this definition of infill development.

b) Would policy EN15 provide an effective basis for directing a decision maker in light of the changes to national policy in the NPPF Dec 2024?

Yes. As the above response explains, factual minor amendments have already been proposed by the CLAs to bring the policy up to date with the NPPF (2024) if the Inspectors are minded to do so. These proposed changes are detailed within the CLA’s responses to representations (CD10) and within the Schedule of Minor Amendments (CD03) (see MA26-32). With these amendments included within the Policy, the CLAs consider EN15 would provide an effective basis for directing a decision maker on development proposals within the Green Belt in light of the changes to national policy (NPPF 2024).

One of the key changes introduced by NPPF (2024) was the concept of ‘Grey Belt’. However, as the conditions for, and requirements of, Grey Belt are set by national policy, it is not presently considered that local policy should repeat the NPPF or add any local level detail.

12.14 Are the requirements of Policy EN16 clear, effective and consistent with national policy? In particular:

Yes, the requirements of Policy EN16 are clear, effective, and consistent with national policy.

a) What is the justification for the 0.5 hectares site threshold in the policy?

The need to balance the protection of Agricultural Land with the need for development is recognised, and it was not considered reasonable on very small-scale development to require submission of an Agricultural Land Classification Report. The threshold of 0.5ha allows limited development but requires that proper investigation and studies be done on larger areas to ensure that Best and Most Versatile Agricultural Land is protected.

The Councils note that representation A63.05 states that it is unreasonable to expect developments of 0.5ha to be supported by an Agricultural Land Classification Report. Should the Inspectors be minded to concur with this view, the Council suggest the threshold could be increased to 1ha to align with the Central Lincolnshire Local Plan (2023) ([EV35](#)) which contains a similar policy (Policy 67).

b) How will a developer demonstrate compliance with criterion b)?

Where a developer controls/owns land which is of differing agricultural grades, the proposed development should be sited on the lowest grade available. Where this is not possible, the developer should set out the reasons why the higher-grade land is to be used.

12.15 Are the requirements of Policy EN17 clear, effective and consistent with national policy? In particular, is the policy consistent with policy EN15 and paragraph 84 of the NPPF?

Yes, Policy EN17 provides a clear, effective, and consistent framework for development outside of defined settlement boundaries and areas allocated as Open Countryside and Policy EN18 Areas of Separation as shown on [CD02r](#) (CLLP Policies Map 3). Criteria 1 (a)-(e) of Policy EN17 sets out the limited exemptions where development is considered not in-appropriate. When read in conjunction with Policies HS8 (Rural Exception Sites) and HS9 (Rural Workers Dwellings), as well as the supporting text, Policy EN17 is consistent with the requirements as set in paragraph 84(a)-(e) of the framework (2024). The Councils considers the Policy to be consistent with Policy EN15 (Areas of Green Belt), however, should the Inspectors feel the need to align the policy in regard to infilling through minor amendments the Councils are happy to do so.

12.16 Are the requirements of Policy EN18 clear, effective and consistent with national policy? In particular:

Yes, Policy EN18 sets out a clear and effective framework as to protect vulnerable rural settlements from coalescing as a result of continuous edge-of-settlement and rural development creep. The policy is consistent with the wider approach to development of the CLLP and should be read in conjunction with Policy SS1 (Development Patterns) and Policy EN17 (Development in the Open Countryside). The policy is consistent with national policy, addressing the requirements of paragraph 187(a)(b) of the framework (2024) as set out in further detail in [EV09a](#) (Open Land Designations Study).

a) Is the policy supported by robust and up to date evidence to justify the policy?

Yes, the policy approach is supported by the robust evidence base as set out in EV09a-d (Open Land Designations Study) with further context and justification being found within [TP04](#) (Areas of Separation Topic Paper). The LUC study (EV09a) is considered to form an up-to-date evidence base as to support the policy approach and designation of Areas of Separation (AoS) as supplemented and supported by TP04.

b) How is it to be applied alongside Policy EN17?

Policy EN18 is to be read in conjunction with Policy EN17 where proposals fall within areas designated as Areas of Separation on the policies map (CD02). Criteria 1 of Policy EN17 provides the baseline for acceptable proposals in the Open Countryside by setting out the types of development that are considered not in-appropriate. Policy

EN18 builds upon this by introducing additional policy assessments under Criterion 1, aimed at protecting vulnerable gaps between settlements. Where proposals would conform with Policy EN17, Criteria 2(a)-(b) of Policy EN18 supports appropriate development, provided proposals demonstrate no significant impact on the function and openness of the AoS.

12.17 Are the requirements of Policy EN19 clear, effective and consistent with national policy? In particular, should the policy refer to the impacts of development in relation to light pollution and impacts of tranquillity within National Landscapes?

It is considered that the requirements of Policy EN19 are clear, effective, and consistent with the provisions of NPPF Policy 15: conserving and enhancing the natural environment. Supporting text to Policy EN19 at Paragraph 7.124 states that *‘for some forms of development, as identified in the Council’s Validation Requirements, a landscape and visual impact assessment will be required which should identify the key characteristics of the landscape and enable the impact of the proposed development on the existing character and landscape of an area to be understood’*. All development proposals within the National Landscape Designation and likely to result in landscape and visual effects would require a landscape and visual impact assessment under the Validation Requirements. In assessing landscape and visual assessments submitted alongside planning applications, the Council will refer to Guidelines for Landscape and Visual Impact Assessment (GLVIA) (Landscape institute and Institute of Environmental Management and Assessment 2013).

In relation to light pollution and night-time effects, the Council will refer to GLVIA para 6.12 and Notes and Clarifications on aspects of the 3rd Edition Guidelines on Landscape and Visual Impact Assessment (Technical Guidance Note LITGN-2024-01 Published August 2024) which states in Section 8 that *‘night time assessment should not be a routine requirement and will only be required when lighting will have a potential significant influence on landscape character and/or visual amenity, as a result of the combination of the sensitivity of the receiving night time environment and the nature of the proposed lighting’*. Tranquillity is a key component that the GLVIA uses to evaluate the character and quality of a landscape, assessing its peace, quiet, and remoteness to determine the potential impact of development on these qualities. The impacts of tranquillity on National Landscapes would therefore be covered by the scope of a GLVIA compliant landscape and visual impact assessment required as part of the Council’s Validation Requirements.

12.18 Are there any omissions in the above policies? Are there any necessary modifications?

There are no omissions. The Councils have proposed modifications through the Schedule of Minor Modifications ([CD03](#)) .