

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?

1. As outlined in our Regulation 19 representations, the HBF considers there are many areas of this policy which are unjustified and inconsistent with national policy. Given the strategic nature of this policy, it covers many areas, and so we therefore elaborate on our previously made points with reference to each relevant part of the policy below.

Part 2 (Building for a Healthy Life)

2. The HBF supports the need to provide well designed and attractive developments and considers that this is an important component in creating sustainable places. Whilst the Council's approach to requiring all components of the Building for a Healthy Life (BfHL) assessment to score green is clearly a laudable aim, the HBF considers that to achieve this on every single site is unrealistic, meaning the policy is ineffective and not positively prepared. Indeed, the BfHL document itself acknowledges this and highlights that there may be circumstances where amber scores cannot be avoided (for instance, sometimes there is a trade-off between two or more criteria), and that a development only needs nine greens in order to achieve a commendation and to use the BfHL logo. The policy should therefore follow the BfHL guidance.
3. Irrespective of this, it is also unclear to the HBF as to how the policy would function in development management terms. Would it be the case that anything that does not achieve 'all greens' would automatically be refused planning permission, or does this then fall into the wider planning balance and weighed against the benefits of the scheme? This requires clarification from the Councils.
4. Where such policies are operating elsewhere in the country (for example in County Durham), a pragmatic approach is taken where the number of green scores are sought to be maximised through the planning application process, but this is in acknowledgement that in most cases, getting an all green score may not be achievable. This is then considered in the wider planning balance.

Part 3 (Nationally Described Space Standards)

5. In relation to Nationally Described Space Standards (NDSS), the Council has correctly identified through its Topic Papers on Optional Technical Standards [TP05, TP06 and TP07] that these are intended to be optional and can only be introduced where there is sufficient evidence. Therefore, their inclusion in local plans is on a 'need to have' rather than a 'nice to have' basis. The PPG identifies the type of evidence required to introduce such a policy. It states that where a need for

internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas: need, viability and timing (Reference ID: 56-020-20150327).

6. The Topic Papers explore the need for NDSS and whilst this identifies homes constructed previously which have not met NDSS standards, the HBF considers that this in itself does not constitute evidence of need. It would be expected that the evidence would include market indicators such as quality of life impacts or reduced sales in areas where the standards are not currently being met. There is no evidence provided that the size of the homes being completed are considered inappropriate by those purchasing them or that these homes are struggling to be sold in comparison to homes that do meet the standards. The HBF suggests that housebuilders in the area do not have any issues with selling properties at less than the NDSS.
7. In terms of choice, some developers will provide entry level two, three and four bedroom properties which may not meet the optional NDSS but are required to ensure that those on lower incomes can afford a property which has their required number of bedrooms. An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.
8. The HBF would also highlight that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. Whilst the typologies in the Local Plan Viability Report [IT05] appear to be based on NDSS, it is noted that the report also highlights significant viability challenges.
9. The HBF therefore considers the policy requirement for NDSS is not justified in this case. Even if it were to be introduced, the policy or explanatory text does not make any allowance for an implementation period. The PPG suggests that such a period should be introduced to enable developers to factor the cost of space standards into future land acquisitions.

Part 3 (Optional Water Usage Standards)

10. The optional water usage standard is 110 litres per person per day, in contrast, the building regulations require all new dwellings to achieve a mandatory level of water efficiency of 125 litres per person per day. This in itself is a higher standard than that achieved by much of the existing housing stock. This mandatory standard already represents an effective demand management measure.
11. The PPG (Reference ID: 56-016-20150327) is clear on the evidence needed for local planning authorities to justify a move to the higher water standard. These are:
 - Whether the area falls into the Environment Agency water stressed areas (from its 2021 classification) which identifies areas of serious water stress where household demand for water is (or is likely to be) a high proportion of the current effective rainfall available to meet that demand.
 - Water resource management plans produced by water companies.

- River Basin Management Plans which describe the river basin district and the pressure that the water environment faces. These include information on where water resources are contributing to a water body being classified as 'at risk' or 'probably at risk' of failing to achieve good ecological status, due to low flows or reduced water availability.
12. It is unclear as to the evidence which the Councils are using to justify the higher optional standard. The explanatory text to Policy EN1 (paragraph 7.15) mentions that the North West as a region is in an area of moderate water stress, however this does not correspond to the 2021 Environment Agency work which does not recognise the North West region as an area in water stress. The policy's explanatory text also does not indicate that this will change over the plan period. In fact, it mentions the region may act as a water exporter to more stressed regions by 2050, although this is not said with any certainty and in any event, it references a date which lies beyond the plan period. The HBF considers that none of this justifies the need to move to the optional water usage standard.

Parts 4 (Design Codes) and Parts 1 and 5 (Reference to other design documents)

13. Whilst the HBF supports the overall aim on Part 4 of this policy, the use of design codes for all significant schemes may not always be appropriate or useful, as it will depend on the scale of the scheme, its context and for instance whether there is a need to introduce features such as character areas. The HBF suggests that the policy should be amended to encourage the use of design codes where it is appropriate.
14. Part 5 of the policy requires all development to be consistent with national and any adopted local design codes, and guidance, such as the Central Lancashire Design Guidance. By doing this the HBF considers it would effectively give development plan weight to these documents. This is not appropriate given that any requirements within these documents will not have been tested and examined in the same way as the Local Plan. The policy wording should therefore be changed so development should 'have regard to' these documents. A similar approach should be required in Part 1 where the National Design Guide is referenced.

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?

15. The HBF considers the policy, as worded, is not effective. Currently the policy requires all major development amending existing or proposing new streets and open spaces to adhere to all of the criteria listed in the policy (a – i). However, all these criteria may not apply in all cases. The HBF recommends that to make the policy sound and sufficiently flexible, the requirement should be qualified with 'where applicable'.
16. In relation to the criteria themselves, criterion (b) requires designs to be in line with Manual for Streets. Our representations to the Regulation 19 consultation outline why this may not be appropriate and in addition to this, a requirement for development to be in line with Manual for Streets would give development plan weight to a document which is intended to be guidance only. The wording therefore needs to be amended so development 'has regard to' the document.
17. Criterion (e) requires street trees to be installed. Whilst paragraph 136 in the NPPF promotes this, it also notes in footnote 53 that there could be specific cases where there are clear justifiable and compelling reasons why this would be inappropriate. This needs to be reflected in the criterion to ensure consistency with national planning policy.

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

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?

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?

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

18. The HBF notes the introduction of mandatory Biodiversity Net Gain (BNG) which came in for large sites on 12 February 2024, and for small sites from 2 April 2024. This was accompanied by an updated PPG which details how BNG should apply in both the development management and plan-making processes.
19. With regards to plan-making in particular, the PPG is clear that Councils do not need to include policies which duplicate the detailed provisions of the statutory framework and not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified (Reference ID: 74-006-20240214).
20. In light of this, the HBF considers that much of this policy is now superfluous as it simply replicates what is in the statutory framework and accompanying guidance. In particular Parts 1, 2 and 3 merely reiterate what is in place nationally and the process that needs to be followed. Part 4 provides clarification on what the Councils are expecting to be included with planning applications where mandatory BNG applies. The HBF would highlight that such requirements would be better covered in a local Validation List where the requirements can be explained and amended over time (if needed).
21. Part 4 of the policy also requires that where developers deliver above 10% net gain on-site, they should declare whether the excess biodiversity units above 10% are intended for sale or allocation to other schemes. The HBF cannot see justification for this, given that if this were the case, then the land would need to be registered as a habitat bank and would therefore appear on the Biodiversity Gain Sites Register. It would be evident from this where any excess units would be allocated.
22. Part 5 of the policy covers sites which are exempt from mandatory BNG. This part of the policy should make clear that such requirements should be subject to viability and feasibility, as the requirements may not be possible in all cases.

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?

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?

23. The HBF considers that the policy, as drafted, is ineffective because of the part of the policy with regards to replacement trees (2 trees provided for every 1 tree lost). The HBF believes that this could have significant potential implications in terms of viability of the development, not only due to the tree and hedge provision costs but also in terms of efficient land use (as required by Section 11 of the NPPF), site layout and highways considerations.

24. The policy also makes no allowance for the condition of any trees that are removed. In some cases, trees may be in a poor condition and warrant removal anyway and indeed with some trees that are diseased (for instance Ash Dieback) it is clearly preferable that these are cleared to prevent further spread.

25. Instead, such compensatory requirements should be assessed at the planning application stage and informed by a site-specific Arboricultural Impact Assessment.

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

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

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

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

26. The HBF would observe that this policy should reflect the latest update to the PPG in relation to flood risk and drainage published on 17 September 2025.

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

27. The HBF considers this needs to be clarified. Public water supply is something that sits outside of the planning system and is in the remit of the statutory water companies (eg. United Utilities). The policy should not be requiring something which is outside the powers of developers to provide or address.

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

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

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

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?

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

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

28. The HBF is unclear as to the evidence used for the proposed thresholds. It is the HBF's view that these appear largely arbitrary and would be something that would need to be determined on a case by case basis depending on a site's context, what is proposed and the specific impact on openness in that location.

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?

29. Whilst the HBF understands that the transitional arrangements may apply to this Local Plan, it does not make sense to include a policy, that will be out of date as soon as it is adopted. This policy will clearly be superseded by the 2024 NPPF policies in relation to inappropriate development in the Green Belt. The HBF therefore strongly recommends that this policy is deleted.

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

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

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

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?

30. As outlined in our response to Matter 2, we do not consider the use of settlement boundaries is appropriate and is not positively planned. The use of tightly drawn settlement boundaries in some instances may hinder future growth opportunities in some settlements and therefore affect the ability to meet housing needs in those areas. Instead, the Councils should consider positively sustainable sites which lie adjacent to the built-up area and which are well related to the settlement they would serve. This will allow additional flexibility in Central Lancashire's housing supply.

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

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

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

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?

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

31. Please see our suggested changes to relevant policies in the answers to the questions above.