

# Barrow Borough Local Plan Examination

## Hearing Statement Matter 10:

### Other Policies

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Barrow Borough Council

May 2018



## Inspectors MIQ's:

### **Matter 10: Other Policies**

#### **Issue**

*Whether other policies are justified, effective and consistent with national policy in the NPPF*

#### **Relevant policies**

**Heritage and Built Environment HE1-HE6**

**Climate Change and Pollution C1-C7**

**Natural Environment N2-N4**

**Green Infrastructure GI1- GI9**

**Healthy Communities HC8**

**In responding to the following questions the Council should deal with each policy in turn, address key points raised in representations and refer to suggested modifications to overcome issues of soundness**

#### Questions

**For all of the policies referred to above:**

1. What is the basis for the policy? What is it seeking to achieve?
2. How does the policy relate to the evidence base? In particular is the evidence base for policy C6 sufficiently robust?
3. Is the policy sufficiently clear? Will it provide sufficient guidance for decision making?
4. How will the policy be implemented? Is this clear?
5. Is the policy sufficiently flexible? Would it allow for specific circumstances to be taken into account?
6. How does the policy relate to national policy? How is it consistent? Are there any inconsistencies?
7. In overall terms, is the policy justified, effective and consistent with national policy?

**In addition specifically in relation to historic environment policies**

8. How has the potential impact on the significance of heritage assets (including their setting) been taken into account in identifying site allocations and is this appropriate? How will potential impact be addressed?

*Cross refer to Matter 1, Issue 1b, question 3(a)*

**Specifically in relation to policy C6**

9. What is the basis for the identification of the suitable areas for wind energy development? Is the evidence base robust? How does the approach sit with national guidance?

**Specifically in relation to Green Infrastructure policies**

10. What criteria have been used in the identification of green space and infrastructure? How have the various elements been categorised? Is the methodology robust and has it been consistently applied?
11. Is policy GI7 sufficiently clear to enable it to be effective?

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**Council Responses:**

***Issue 10 Other Policies***

***Question 1 Response:***

- 1.1. Please see Matter 10, Appendix A.

***Question 2 Response:***

- 2.1. Please see Matter 10, Appendix A.

***Question 3 Response:***

- 3.1. Please see Matter 10, Appendix A.

***Question 4 Response:***

- 4.1. Please see Matter 10, Appendix A.

***Question 5 Response:***

- 5.1. Please see Matter 10, Appendix A.

***Question 6 Response:***

- 6.1. Please see Matter 10, Appendix A.

6.2. The Council is aware of advice in the NPPF not to reiterate national policy, however the NPPF remains a high level guidance document which does not have the same statutory footing as the Development Plan. Given this, the Council considers it important to cover the issues raised in the listed policies above in the Local Plan.

**Question 7 Response:**

7.1. Please See Matter 10, Appendix A.

7.2. The Council suggests a main modification to Policy G17 to ensure it accords with national policy and to make the policy more clear. The Council requests that the current policy is replaced with the following: *“Development within the open countryside which accords with the Development Plan will be supported providing that it accords with the principles of the Green Infrastructure Strategy and recognises and respects the intrinsic character and beauty of the countryside”*.

7.3. As highlighted by the National Trust during previous consultation on the Local Plan (EL17 018), the definition of Green Infrastructure used on page 242 of the Local Plan does not match the definition given in the NPPF. The Council therefore requests a main modification replacing the definition on page 242 of the Local Plan with the definition found in the Glossary of the NPPF in order to ensure consistency with national policy.

7.4. Policy GI3 as it stands is not effective, therefore the Council requests a main modification to Policy GI3 replacing *“The location of related infrastructure within a Green Corridor will be acceptable providing that all of the following criteria are met:”* with *“Where on site infrastructure is to be provided this should be located , where possible, within a Green Corridor. Applicants are required to identify proposed Green Corridors as part of their applications and conditions may be attached to any consent to ensure these are retained over the lifetime of the development. Green Corridors must meet the following criteria:”* The Council also requests a main modification to the Proposals Map, deleting the small areas of Green Corridor shown on the Map as they are considered to be overly-prescriptive.

**Question 8 Response:**

8.1. The Council’s Heritage Impact Assessments (May 2017) (EL13 001) provide robust and defensible evidence of the potential risk of development of the proposed site allocations in the emerging Local Plan to the significance of heritage assets and their settings. In addition to identifying the potential risks of development, the study seeks to provide guidance on the opportunities and strategies for mitigating any impacts and to consider opportunities for positive enhancement or for an asset to be better revealed. It also makes suggestions about further work required and future monitoring. The Heritage Impact Assessments have been updated (April 2018 EL13 004) to include ten further sites that are also in proximity to listed buildings and / or conservation areas.

8.2. In the Final Draft Sustainability Report (Updated) (March 2017) (EL1 006), one of the selected sites (site REC47) was assessed as having a negative impact on sustainability

objective EN3: To improve the quality of the built and historic environment (see the Final Draft Sustainability Report (Updated), Appendix D, pages 92-93). However, page 147, Appendix D of the Sustainability Report shows that mitigation measures could overcome the potential impacts / harm. See the Heritage Impact Assessments and the Sustainability Report for further details.

8.3. Two of the non-selected sites were assessed as having a negative impact on sustainability objective EN3 (sites SHL073 and SHL074) (see the Final Draft Sustainability Report (Updated) (March 2017) (EL1 006), Appendix E, pages 69-70). These impacts were assessed on pages 103 and 105 of Appendix E of the Sustainability Report as being significant and no avoidance and mitigation measures were proposed. Heritage impacts were key considerations in designating these sites as part of the Green Wedge. See the Non-Selected Sites Document (July 2016) (EL4 003) pages 20-27 and 34-39 for further information.

***Question 9 Response:***

9.1. The basis for the identification of Suitable Areas for Wind Energy and associated Policy C6 criteria g) is supported by the wider background of national policy documents EN-1 and EN-3, the PPG (Renewable and Low Carbon Energy), and also the document produced by DECC; Renewable and Low Carbon Energy Capacity Methodology for the English Regions (2010)

9.2. In addition the Wind Energy Technical Document( EL10 019 ) takes into account the Written Ministerial Statement (WMS) of June 2015 by former SoS Greg Clark in relation to onshore wind energy, later added to the PPG at paragraph 033. The statement gave a steer for Planning Authorities to grant applications for onshore wind energy schemes only in areas that had been identified through a Local Plan.

9.3. At paragraph 005 the PPG states that there are no hard and fast rules in identifying such areas and that whilst taking into account the needs of the technology, the impact on the local environment was also critical. Para 014 in the same document identifies a series of questions to be considered when assessing turbine applications which appear to be an extension of the advice found in the DECC methodology. In this respect the Council used a suite of local documents, as outlined in section 3.2 of EL10 019, together with criteria from national guidance. This resulted in the initial list that informed the study as to the issues that would arise from commercial turbine developments within the Borough. The Council has updated the Technical Document EL10 019 in 2018 to add justification to the criteria set out in Table 1 page 9 in response to representation from Cannock Renewables Ltd (EL17 088).

9.4. The evidence utilises the Councils OS based GIS mapping system to identify areas together with drawing data from several previously published strategic local documents that consider matters such as landscape characteristics, visual impacts, and wind capacity. It provides a common approach to landscape sensitivity whilst identifying the potential

physical and man made constraints to enable a consistent approach to be taken in the determination of planning applications for wind turbines. Site specific assessment and design would still be required and all applications would still be assessed on their individual merits.

9.5. We consider that the revised document meets with national guidance and that the evidence base is sufficiently robust.

#### Suitable Areas for Wind Energy Technical Document EL10 019

9.6. Following receipt of a representation (EL17 088) the Council has updated its Wind Energy Technical Document (EL10 019) by excluding the criteria layer relating to the Airfield Safeguarding Chart. It is accepted that this layer may be somewhat over prescriptive in assessing the suitability of areas for wind energy schemes and that a blanket ban based upon installation height may not meet national guidance.

9.7. It is therefore considered that in terms of the safeguarding of Walney Airfield, any future turbine applications can be dealt with on the individual merits of each scheme, using more selective local environmental constraints and in consultation with the relevant CAA department.

9.8. The removal of this constraint has resulted in an amendment to the Suitable Areas for Wind Energy on the Proposals Map shown in Appendix B which the Council would like to request as a main modification.

#### **Question 10 Response:**

10.1. The methodology used for identifying the different elements of green infrastructure is set out on pages 21-24 of the Green Infrastructure SPD Draft 2018 (EL11 006). The methodology is considered to be robust and consistently applied. The Strategy focusses on GI within and on the edge of built up areas as this is where the greatest demand for development is. The Council did not feel it necessary to define the open countryside in the green infrastructure policies or identify the open countryside on the Local Plan Proposals Map given the extent of the open countryside and the fact that it is protected from inappropriate developments through the NPPF, particularly paragraph 17. A significant part of the Borough's countryside, including areas such as Sandscale Haws, has additional protections because of their biodiversity status.

#### **Question 11 Response:**

11.1. The Council has reviewed Policy GI7 and requests a main modification to make the policy clearer and to ensure it is effective and complies with national guidance. Please see the response to Q7 above for further information.

Policy Number	Policy Intention (Matter 10, Q1)	Evidence Base (Matter 10, Q2)	Policy Clarity (Matter 10, Q3)	Policy Implementation (Matter 10, Q4)	Policy Flexibility (Matter 10, Q5)	Accordance with National Policy (Matter 10, Q6)	Justified, effective and consistent with national policy? (Matter 10, Q7)
<b>Heritage &amp; Built Environment</b>							
<b>HE1</b>	<p>The policy identifies key elements which contribute to the Borough's identity. It also sets out a strategy to aid the protection and enhancement of heritage assets and their setting.</p> <p>The policy seeks to demonstrate the importance of the Borough's historic environment which should result in greater consideration of heritage at pre-application stages leading to a higher standard of development.</p>	<p>The key elements identified as a priority for safeguarding are heritage assets that contribute to the identity of the Borough. These are relatively self explanatory and include scheduled ancient monuments, listed buildings and conservation areas, historic squares, industrial heritage and a Grade II listed park. The Heritage Impact Assessments (May 2017) (EL13 001) and 2018 update (EL13 004) along with the two Conservation Area Appraisals (EL13 002 and EL13 003) are the key parts of the evidence to inform this policy. Two of the sustainability objectives in the Sustainability Appraisal are "To create vibrant, active, inclusive and open-minded communities with a strong sense of local history" and "to improve the quality of the built and historic environment."</p>	<p>This policy is considered to set out a clear strategy for the Borough's heritage assets and their setting, subject to the proposed minor amendment.</p>	<p>This policy will be implemented through a number of council-led actions identified in criteria a-f, and also through engagement with developers and historic bodies through the pre-application and application processes.</p> <p>It will also be implemented through sub-regional and national funding and the use of local plans and strategies, including Conservation Area Appraisals and the forthcoming Heritage Strategy.</p>	<p>The policy identifies a number of actions that the Council will take to promote heritage in the Borough and is flexible as it does not set specific timescales.</p>	<p>The protection and enhancement of the historic environment is identified as a key strand to sustainable development in the NPPF (paragraph 14)</p> <p>The NPPF, paragraph 126 requires Local Planning Authorities to "set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment." Policy HE1 meets this requirement.</p>	<p>Yes following minor amendment:</p> <p>MIN76 (EL1 016)</p>
<b>HE2</b>	<p>The policy provides guidance for developers by setting out what information is required to support an application involving a heritage asset or one where there are likely archaeological interests.</p> <p>The policy seeks to demonstrate the importance of the Borough's historic environment which should result in greater consideration of heritage at pre-application stages leading to a higher standard of development.</p>	<p>Historic England have had significant input into the wording of this policy. The policy ensures that heritage is considered at the outset of the planning process. See HE1 comments above. The policy is also supported by the Heritage Impact Assessments (May 2017) (EL13 001) and 2018 update (EL13 004).</p>	<p>It is considered that this policy sets out clearly what information the applicant is required to submit, subject to the proposed minor amendment.</p>	<p>This policy will be implemented through the Development Management process; Planning Obligations; and the effective use of local plans and strategies, including Conservation Area Appraisals and the forthcoming Heritage Strategy.</p>	<p>The policy is sufficiently flexible as Criterion a) accepts that the level of information required must "be proportionate to the assets significance and to the scale of the impact of the proposal"</p>	<p>The protection and enhancement of the historic environment is identified as a key strand to sustainable development (para 14, NPPF)</p> <p>The Policy is consistent with the NPPF, in particular Paragraph 128, which sets out what information is required to support a planning application involving a heritage asset.</p>	<p>Yes following minor amendment:</p> <p>MIN77, MIN78, MIN79 (EL1 016)</p>
<b>HE3</b>	<p>The policy seeks to reduce the number of developments which result in harm to listed buildings. The policy also seeks to increase the number of developments which enhance heritage assets or their setting.</p>	<p>Historic England has had significant input into the wording of this policy. See HE1 comments above. The policy is also supported by the Heritage Impact Assessments (May 2017) (EL13 001).</p>	<p>It is considered that this policy sets out clear criteria for when substantial harm to, or loss of, a listed building (including its setting) will be</p>	<p>This policy will be implemented through the Development Management process; Planning Obligations; and the effective use of local plans and strategies, including</p>	<p>The policy is sufficiently flexible as it gives examples of the exceptional circumstances when substantial harm or loss of a listed building will be</p>	<p>The protection and enhancement of the historic environment is identified as a key strand to sustainable development (para 14, NPPF)</p> <p>The policy is consistent with the NPPF, in particular Paragraphs 9, 126, 131,132 133 and 137.</p>	<p>Yes</p>

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			permitted.	Conservation Area Appraisals and the forthcoming Heritage Strategy.	accepted; recognising that occasionally loss or harm is unavoidable.		
HE4	The policy seeks to reduce the number of developments which harm the Borough's conservation areas. The policy also seeks to increase the number of developments which preserve or enhance such areas.	Historic England has had significant input into the wording of this policy. See HE1 comments above. The policy is also supported by the Heritage Impact Assessments (May 2017) (EL13 001) and 2018 update (EL13 004).	It is considered that this policy sets out clear criteria for proposals in Conservation Areas.	This policy will be implemented through the Development Management process; Planning Obligations; and the effective use of local plans and strategies, including Conservation Area Appraisals and the forthcoming Heritage Strategy.	The level of flexibility reflects that given in the Act.	The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on Local Planning Authorities to give special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.  The protection and enhancement of the historic environment is identified as a key strand to sustainable development (para 14, NPPF)  The policy is consistent with the NPPF, in particular Paragraphs 9, 126, 131 and 137.	Yes
HE5	The policy directs developers to consider alternative options before applying to demolish a building within a Conservation Area.	Historic England have had significant input into the wording of this policy. See HE1 comments above. The policy is also supported by the Heritage Impact Assessments (May 2017) (EL13 001) and 2018 update (EL13 004).	It is considered that this policy sets out clear criteria for demolition in a Conservation Area.	This policy will be implemented through the Development Management process.	The policy is sufficiently flexible as it accepts that there are circumstances where demolition or loss is the only option.	The protection and enhancement of the historic environment is identified as a key strand to sustainable development (para 14, NPPF)  The policy is consistent with the NPPF Chapter 12, in particular Paragraph 138	Yes
HE6	The policy seeks to reduce the number of developments which cause harm to scheduled ancient monuments or non-designated assets of national importance or their setting. It also aims to protect archaeological remains in the Borough.	Historic England have had significant input into the wording of this policy. See HE1 comments above. The policy is also supported by the Heritage Impact Assessments (May 2017) (EL13 001) and 2018 update (EL13 004).	This policy is considered to set out a clear guidance for protecting scheduled ancient monuments and archaeology, subject to the proposed minor amendment.	This policy will be implemented through the Development Management process and Planning Obligations; and the effective use of local plans and strategies, including Conservation Area Appraisals and the forthcoming Heritage Strategy.	The policy is sufficiently flexible as it states that the level of information required should be proportionate. It also accepts that opportunities to promote and provide interpretation may not always be possible.	The protection and enhancement of the historic environment is identified as a key strand to sustainable development (para 14, NPPF)  The policy is consistent with the NPPF in particular paragraph 128.	Yes, with minor amendment:  MIN80, MIN81(EL1 016)
<b>Climate Change &amp; Pollution</b>							
C1	The intention of the policy is to ensure that any new flood defence measures do not harm the natural environment, landscape character or public access to the coast.	The policy has been informed by the North West Shoreline Management Plan (EL10 004) and the Walney Island Flood and Coastal Erosion Strategy Review (EL10 013). This policy is supported by the Environment Agency's evidence on the role of natural processes to reduce flood risk. The policy is also supported by the Environment Agency guidance "Good Practice Management of Riparian Vegetation".	It is considered that this policy clearly sets out the requirements for flood defences and development next to watercourses.	This policy will be implemented through sub-regional and national funding; partnership working; the Development Management process; Planning Obligations; and the use of plans and strategies, such as Environment Agency guidance and the North West Shoreline Management Plan.	The policy is sufficiently flexible as it accepts that the implementation of natural defences may not always be feasible or viable.	Conserving and enhancing the natural environment and reducing pollution are identified in paragraph 17 of the NPPF as one of the core planning principles.  The policy is consistent with the NPPF, in particular paragraphs 99 -106.	Yes
C2	This policy seeks to protect the coastline, which is an important feature of the borough in both	The Sustainability Appraisal highlights legislation such as the Marine and Coastal Access Act 2009	It is considered that this policy clearly sets out the requirements	This policy will be implemented through the Development Management	The policy is sufficiently flexible as it accepts that it may not always be	Conserving and enhancing the natural environment and reducing pollution are identified in paragraph 17 of the NPPF as one of the core	Yes

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	biodiversity and recreation terms, from unacceptable development.	and the Bathing Water Quality Directive, which have key implications for the Local Plan, including the need to protect the coastline from any development which may have an impact on its quality.	for development in a coastal location.	process and Planning Obligations.	possible to improve access to the coast.	planning principles.  The policy is consistent with the NPPF, in particular paragraph 106 and 114.	
<b>C3</b>	The policy seeks to minimise the effects of development on the water environment and reduce the amount of surface water entering the public sewer.	The Sustainability Appraisal highlights legislation such as the Bathing Water Quality Directive, which has key implications for the Local Plan including the provision of adequate sewerage infrastructure and the incorporation of sustainable drainage systems in new development. The policy has also been informed by information from the Environment Agency and United Utilities, as summarised in Chapter 10 of the Infrastructure Delivery Plan (EL5 001).	It is considered that this policy sets out clear measures to minimise environmental impacts.	This policy will be implemented through the Development Management process and Planning Obligations.	The policy is sufficiently flexible as it accepts that it may not always be possible to discharge waste water to a SUDs system and that discharge to the public sewer may be the only option in some cases.	Conserving and enhancing the natural environment and reducing pollution are identified in paragraph 17 of the NPPF as one of the core planning principles.  The Policy is consistent with the NPPF, in particular paragraph 143, bullet 6.	Yes
<b>C4</b>	The policy seeks to protect public health by ensuring that any required mitigation is carried out on contaminated sites and that necessary action is taken to remediate unstable land.	This policy has been informed by the document Development of Potentially Contaminated Land and Sensitive End Uses – An Essential Guide for Developers (EL10 007).	It is considered that this policy sets out clear requirements to ensure there is no significant harm from contaminated land and unstable land on new development.	This policy will be implemented through the Development Management process and Planning Obligations.	The policy is sufficiently flexible as it allows for development on contaminated or unstable sites providing certain criteria is met.	Conserving and enhancing the natural environment and reducing pollution are identified in paragraph 17 of the NPPF as one of the core planning principles.  The policy is consistent with the NPPF, in particular paragraphs 109 and 120	Yes
<b>C5</b>	The policy seeks to reduce the impacts of development upon climate change by encouraging developers to consider a number of measures to reduce a development's carbon footprint.	This policy has been informed by the Cumbria Renewable Energy Capacity and Deployment Study 2011 (EL10 010) and the Cumbria Wind Energy SPD (EL10 008 and EL10 009). Also, the Sustainability Appraisal highlights legislation and guidance such as the Ambient Air Quality Directive, Directive on the Promotion of the Use of Energy from Renewable Sources, The Air Quality Strategy for England, Scotland, Wales and Northern Ireland etc, which have key implications for the Local Plan including the need for it to encourage renewable energy developments and energy efficiency.	It is considered that this policy sets out clear considerations for developers in promoting renewable energy.	This policy will be implemented through partnership working (such as the County Council); the Development Management process; Planning Obligations.	The policy is sufficiently flexible as it encourages rather than requires developers to take certain actions.	Conserving and enhancing the natural environment and reducing pollution are identified in paragraph 17 of the NPPF as one of the core planning principles.  The policy is consistent with the NPPF, in particular paragraph 97	Yes
<b>C6</b>	The policy seeks to increase the number of renewable and low carbon energy proposals subject to a number of criteria to protect the natural environment, public health	This policy has been informed by the Cumbria Renewable Energy Capacity and Deployment Study 2011 (EL10 010) and the Cumbria Wind Energy SPD (EL10 008 and	It is considered that policy sets out clear criteria for renewable and low carbon energy proposals.	This policy will be implemented through the Development Management process and Planning Obligations.	The criteria listed in the policy are intentionally strict given the potential harmful impacts such developments could	Conserving and enhancing the natural environment and reducing pollution are identified in paragraph 17 of the NPPF as one of the core planning principles.	Yes

Policy Number	Policy Intention (Matter 10, Q1)	Evidence Base (Matter 10, Q2)	Policy Clarity (Matter 10, Q3)	Policy Implementation (Matter 10, Q4)	Policy Flexibility (Matter 10, Q5)	Accordance with National Policy (Matter 10, Q6)	Justified, effective and consistent with national policy? (Matter 10, Q7)
	and wellbeing, heritage and landscape character.	EL10 009).			have on amenity, landscape etc.	It also states that planning should support the transition to a low carbon future in a changing climate, taking account of flood risk and coastal change...and encourage the use of renewable resources (for example, by the development of renewable energy).  The policy is consistent with the NPPF, in particular paragraph 97	
<b>C7</b>	The policy seeks to ensure that developments involving external lighting do not have a harmful effect on health and well-being, protected areas of dark sky or the natural environment through light pollution.	This policy was added in response to comments from the British Astronomical Society.	It is considered that this policy sets out clear criteria for minimising light pollution.	This policy will be implemented through the Development Management process and Planning Obligations.	The policy is sufficiently flexible as it acknowledges that in some cases it is impossible to avoid light pollution and in those cases mitigation proposals will be accepted.	Conserving and enhancing the natural environment and reducing pollution is identified in paragraph 17 of the NPPF as one of the core planning principles  The policy consistent with the NPPF, in particular paragraph 125.	Yes
<b>Natural Environment</b>							
<b>N2</b>	The policy seeks to minimise soil erosion and degradation caused by new development. It also seeks to increase the amount of space available in the Borough for food production.  Interest in growing food is demonstrated by the Council's allotment waiting list (currently 4-5 years +). Allowing residents to grow their own food can also help reduce their carbon footprint.	Soil erosion and degradation has been identified as an issue in the Local Plan Sustainability Appraisal.	Further guidance can be given to developers through the pre-application process if required.  Further guidance is also provided by the Policy's supporting text (paragraphs 10.3.5-10.3.8).	The policy will be implemented through the planning application process.	The policy is sufficiently flexible as it gives developers have the option of providing space on site for food growing (in public open spaces or garden areas) or making contributions to nearby allotments.	Paragraph 17 of the NPPF (Core Planning Principles) states that planning should " <i>encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production.)</i> " Open land is taken in this context to include garden areas, larger areas of open space within developments or allotments.  Paragraph 109 of the NPPF states that " <i>the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, geological conservation interests and soils.</i> "	Yes
<b>N3</b>	The intention of the policy is to conserve and enhance the Borough's natural environment, in particular designated sites and protected species.	The need to conserve and enhance biodiversity is identified in the Habitats Regulations Assessment and Sustainability Appraisal documents.	Further guidance is provided in the Policy's supporting text (sections 10.4-10.7) and in the Council's Biodiversity and Development Supplementary Planning Document.	The policy will be implemented through the planning application process. Further guidance can be given to developers through the pre-application process if required.	The policy is sufficiently flexible as it accepts that in some cases harm cannot be avoided and identifies mitigation requirements.	Paragraph 113 of the NPPF requires Local planning authorities to " <i>set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged.</i> " This policy does that and makes distinctions between international, national and locally designated sites as required.  The policy is consistent with NPPF, in particular paragraphs 109-110, 113-114 and 117-119.	Yes

Policy Number	Policy Intention (Matter 10, Q1)	Evidence Base (Matter 10, Q2)	Policy Clarity (Matter 10, Q3)	Policy Implementation (Matter 10, Q4)	Policy Flexibility (Matter 10, Q5)	Accordance with National Policy (Matter 10, Q6)	Justified, effective and consistent with national policy? (Matter 10, Q7)
<b>N4</b>	The intention of the policy is to conserve and enhance the Borough's natural environment, in particular non-designated sites and features.	The need to conserve and enhance biodiversity is identified in the Habitats Regulations Assessment and Sustainability Appraisal documents.	Further guidance is provided in the Policy's supporting text (sections 10.4-10.7) and in the Council's Biodiversity and Development Supplementary Planning Document	The policy will be implemented through the planning application process. Further guidance can be given to developers through the pre-application process if required.	The policy is sufficiently flexible as it requires the conservation of biodiversity features, however accepts that this cannot always be achieved in certain cases. It identifies actions which should be taken in such circumstances.	Paragraph 113 of the NPPF requires Local planning authorities to " <i>set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged.</i> "  The policy is consistent with NPPF, in particular paragraphs 109-110, 113-114 and 117-119.	Yes
<b>Green Infrastructure</b>							
<b>GI1</b>	The policy seeks to promote the importance of green infrastructure and direct developers to the GI Strategy.	This policy has been informed by the Draft Green Infrastructure Strategy (EL011 001). The Sustainability Appraisal highlights legislation and guidance that has implications for the Local Plan, such as the Cumbria Biodiversity Action Plan. This includes that the Local Plan should encourage developers to provide space and / or green infrastructure to enhance conservation sites were possible.	It is considered that this policy sets out a clear strategy for the promotion of green infrastructure, subject to the proposed main modification, and should be read in conjunction with the Green Infrastructure Strategy.	This policy will be implemented through sub-regional and national funding; partnership working; the Development Management process; Planning Obligations; and the effective use of local plans and strategies, including the Green Infrastructure Strategy.	The policy is sufficiently flexible as it contains a list of actions which the Council aims to undertake without setting specific timescales.	Paragraph 109 of the NPPF identifies " <i>establishing coherent ecological networks that are more resilient to current and future pressures</i> " as one way of contributing to and enhancing the natural and local environment.  The policy is consistent with the NPPF, in particular paragraphs 99 and 114. However the definition of green infrastructure in the policy's supporting text differs from the NPPF definition. The Council suggests a main modification to rectify this.	Yes, with main modification:  See the Council's Matter 10, Q7 Response.
<b>GI2</b>	The policy seeks to protect broad areas of the Borough as Green Wedges from inappropriate development. It does not constitute a blanket ban on development in these areas and development will be supported subject to certain criteria (which is identified to protect the overall integrity of the Wedge).  The Council's current Local Plan contains a similar Green Wedge policy which has been upheld on appeal. The areas defined as Green Wedge in the new Local Plan do however differ.	This policy has been informed by the Draft Green Infrastructure Strategy (EL011 001) and the Green Wedge Review (EL11 002).	It is considered that this policy sets out clear requirements for proposals within or adjoining a Green Wedge, and should be read in conjunction with the Green Infrastructure Strategy.	This policy will be implemented through the Development Management process; Planning Obligations; and the effective use of local plans and strategies, including the Green Infrastructure Strategy.	The policy is sufficiently flexible as it allows development in areas of the green wedge subject to certain criteria.	Paragraph 109 of the NPPF identifies " <i>establishing coherent ecological networks that are more resilient to current and future pressures</i> " as one way of contributing to and enhancing the natural and local environment.  The policy is consistent with the NPPF, in particular paragraphs 73, 74, 99 and 114.	Yes
<b>GI3</b>	This policy seeks to direct on site infrastructure to green corridors to reduce its visual impact and bring other additional benefits.	This policy has been informed by the Draft Green Infrastructure Strategy (EL011 001).	It is considered that this policy sets out clear requirements for proposals within a Green Corridor, and	This policy will be implemented through the Development Management process; Planning Obligations; and the effective	The requested main modifications will ensure that the policy is sufficiently flexible, allowing developers to	Paragraph 109 of the NPPF identifies " <i>establishing coherent ecological networks that are more resilient to current and future pressures</i> " as one way of contributing to and enhancing the natural and local environment.	Yes, with main modification  See the

Policy Number	Policy Intention (Matter 10, Q1)	Evidence Base (Matter 10, Q2)	Policy Clarity (Matter 10, Q3)	Policy Implementation (Matter 10, Q4)	Policy Flexibility (Matter 10, Q5)	Accordance with National Policy (Matter 10, Q6)	Justified, effective and consistent with national policy? (Matter 10, Q7)
			should be read in conjunction with the Green Infrastructure Strategy.	use of local plans and strategies, including the Green Infrastructure Strategy.	identify parts of the site which they feel are the most appropriate for use as Green Corridors.	The policy is consistent with the NPPF, in particular paragraphs 99 and 114.	Council's Matter 10, Q7 Response
<b>GI4</b>	This policy seeks to retain urban spaces which are used for amenity or recreation purposes, which support local wildlife or which provide important connections with other green spaces.	This policy has been informed by the Draft Green Infrastructure Strategy (EL11 001).	It is considered that this policy sets out clear requirements for retaining, maintaining and enhancing Green Spaces, subject to the proposed main modification, and should be read in conjunction with the Green Infrastructure Strategy.	This policy will be implemented through the Development Management process; Planning Obligations; and the effective use of local plans and strategies, including the Green Infrastructure Strategy.	This policy is sufficiently flexible as it ensures the provision of amenity or recreational spaces without setting out specific requirements.	Paragraph 109 of the NPPF identifies “ <i>establishing coherent ecological networks that are more resilient to current and future pressures</i> ” as one way of contributing to and enhancing the natural and local environment.  The policy is consistent with the NPPF, in particular paragraphs 69, 70, 73, 74, 99, 114 and 156 bullet 4.	Yes, with main modification: MAJ2. (EL1 015)
<b>GI5</b>	This policy seeks to improve the local and strategic green route network to encourage walking and cycling and protect routes for wildlife by ensuring that developments along such routes meet a high standard of design. Poorly designed and landscaped routes can become hotspots for crime and disorder which discourages their use for walking and cycling.	This policy has been informed by the Draft Green Infrastructure Strategy (EL11 001).	It is considered that this policy sets out clear criteria for improving Green Routes, and should be read in conjunction with the Green Infrastructure Strategy.	This policy will be implemented through the Development Management process; Planning Obligations; and the effective use of local plans and strategies, including the Green Infrastructure Strategy.	This policy is sufficiently flexible as the criteria mainly focuses on lighting, signage and landscaping, and states that Planning Obligations may be required.	Paragraph 17 of the NPPF states that planning should “ <i>actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.</i> ” Paragraph 58 continues by saying that planning policies should aim to ensure that developments “ <i>create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion</i> ”  The policy is consistent with the NPPF, in particular paragraphs 58, 73, 74, 75, 99 and 114.	Yes
<b>GI6</b>	This policy seeks primarily to protect the Borough’s hedgerows and wildlife corridors. Its intention is not to prevent development but to ensure that the integrity of the green link is maintained and enhanced where possible.	This policy has been informed by the Draft Green Infrastructure Strategy (EL11 001).	It is considered that this policy sets out clear requirements for proposals involving or adjacent to hedgerows or Green Links, and should be read in conjunction with the Green Infrastructure Strategy.	This policy will be implemented through the Development Management process; Planning Obligations; and the effective use of local plans and strategies, including the Green Infrastructure Strategy.	This policy is sufficiently flexible as it supports development adjacent to or involving Green Links, providing it doesn’t compromise its continuity or integrity.	The policy is consistent with the NPPF, in particular paragraphs 109-110, 113-114 and 117-119.	Yes
<b>GI7</b>	The aim of this policy is to ensure that any development within the open countryside does not harm the setting and appearance of the surrounding countryside.	This policy has been informed by the Draft Green Infrastructure Strategy (EL11 001).	It is considered that this policy sets out clear guidance for proposals within the open countryside, subject to the proposed main modification, and should be read in conjunction with the Green Infrastructure Strategy and Policy	This policy will be implemented through the Development Management process; Planning Obligations; and the effective use of local plans and strategies, including the Green Infrastructure Strategy and the Cumbria Landscape Character Guidance and Toolkit.	This policy is sufficiently flexible, as it does not set out criteria for development in the countryside.	Recognising the intrinsic character and beauty of the open countryside is a core planning principle under paragraph 17 of the NPPF.  Paragraph 28 of the NPPF continues by saying that sustainable rural tourism and leisure developments “ <i>which respect the character of the countryside</i> ” will be supported.  The importance of development responding to its surroundings is also emphasised in paragraph 58 of the NPPF.	Yes, with main modification:  See the Council’s Matter 10, Q7 Response

Policy Number	Policy Intention (Matter 10, Q1)	Evidence Base (Matter 10, Q2)	Policy Clarity (Matter 10, Q3)	Policy Implementation (Matter 10, Q4)	Policy Flexibility (Matter 10, Q5)	Accordance with National Policy (Matter 10, Q6)	Justified, effective and consistent with national policy? (Matter 10, Q7)
			N1.				
<b>GI8</b>	The policy seeks to increase the amount of, and public access to, woodland in the Borough and provides guidance for developers seeking to do so. It also seeks to protect and enhance existing areas of woodland.	This policy has been informed by the Draft Green Infrastructure Strategy (EL011 001).	It is considered that this policy sets out clear requirements for protecting existing woodland and for proposals for new woodland, and should be read in conjunction with the Green Infrastructure Strategy.	This policy will be implemented through the Development Management process; Planning Obligations; and the effective use of local plans and strategies, including the Green Infrastructure Strategy.	This policy is sufficiently flexible in protecting woodland and does not introduce onerous criteria.	The Policy is consistent with the NPPF, in particular paragraphs 109, 110 and 118.	Yes
<b>GI9</b>	This policy seeks to aid the movement of wildlife around the Borough by encouraging for example the use of timber fencing with gaps or hedgerows between dwellings rather than solid walls.	This policy has been informed by the Draft Green Infrastructure Strategy (EL011 001).	It is considered that this policy sets out clear requirements for private garden boundaries, and should be read in conjunction with the Green Infrastructure Strategy.	This policy will be implemented through the Development Management process and the effective use of local plans and strategies, including the Biodiversity SPD.	The policy is sufficiently flexible as it encourages developers to take certain actions, acknowledging the fact that boundary treatments would be difficult to control following the original grant of permission for the development given permitted development rights available.	The NPPF, paragraph 118, bullet 4 states that <i>“opportunities to incorporate biodiversity in and around developments should be encouraged”</i> .  The policy is consistent with the NPPF, in particular with paragraph 118.	Yes
<b>Healthy Communities</b>							
<b>HC8</b>	The policy supports the development of new outdoor sports facilities, subject to certain criteria. Access to such facilities is important for improving the health of the Borough's population.	This policy sets out general amenity considerations. Residential amenity is a key consideration in a number of the sustainability objectives in the Sustainability Appraisal.  The Sustainability Appraisal and Annual Monitoring Reports identify health as being a key issue in the Borough.	It is considered that this policy sets out clear criteria for proposals for new outdoor facilities.	This policy will be implemented through the Development Management process and the use of Planning Obligations.	This policy is sufficiently flexible as it sets out general amenity considerations (e.g. lighting, parking etc), none of which are considered to be onerous or unreasonable.	The NPPF, paragraph 28, bullet 4 recognises local services such as sports venues as important facilities for supporting a prosperous rural economy.  The Policy is consistent with the NPPF, in particular paragraphs 28, 73 and 171.	Yes

Hearing Statement Matter 10 May 2018  
Appendix B : Suitable Areas for Wind Energy

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