



Natural Environment Supplementary Planning Document

Consultation Statement & Summary of Representations

December 2024

1.0 Introduction

- 1.1 Blackburn with Darwen Borough Council has prepared a Natural Environment Supplementary Planning Document (SPD). The SPD provides additional guidance to support the environmental policies of the Blackburn with Darwen Local Plan (2021-2037). This includes information relating to the recovery of nature; biodiversity and the conservation and enhancement of species and habitats; trees, woodland and hedgerows; green and blue infrastructure; flooding and water; soils and peatland; air quality and environmental opportunity areas.
- 1.2 The SPD is prepared in line with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 (“the TCPA 2012”), the National Planning Policy Framework (NPPF) and national planning guidance.

2.0 Purpose of the Consultation Statement

- 2.1 Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulation 2012 (as amended) states that before a local planning authority (LPA) can adopt a supplementary planning document (SPD) it
 - a) must prepare a statement setting out –
 - i) The persons the local planning authority consulted when preparing the SPD
 - ii) A summary of the main issues raised by those persons; and
 - iii) How those issues have been addressed in the SPD
- 2.2 Regulation 12(b) states that, for the purposes of submitting representations on the SPD, the council must make copies of the SPD available publically with details of the date by which representations must be received (with the consultation open for at least 4 weeks), and the address to which they must be sent. Regulation 13 states that any person may make representations on an SPD, but they must be received by the LPA before the close of consultation.

3.0 Statement of Community Involvement

- 3.1 The Council’s Statement of Community Involvement (SCI) sets out how the council will undertake consultation during the preparation of various planning documents, including the Local Plan and SPDs.
- 3.2 In accordance with the above Regulations (as amended), the Council have confirmed through the SCI that, for SPDs, they will:
 - Send email/written notification to statutory consultees, general consultees on the planning database and other relevant stakeholders, of issues to be addressed in the SPD, and how to make representations
 - Make copies of the SPD document available for inspection at the council offices and any other venue the council consider appropriate (Regulation 35).
 - Publish a notification on the council website

3.3 Prior to adoption of the SPD, the Council will:

- Prepare a consultation statement setting out the main issues raised by representations received and how those comments have been addressed in the SPD the Council intends to adopt
- Send email/written notification to statutory consultees, general consultees on the planning database and other relevant stakeholders that the SPD has been adopted, including the provision of a link to the published document and adoption statement on the council website
- Make copies of the adopted SPD and adoption statement available for inspection at the council offices and any other venue the council consider appropriate (Regulation 35)
- Publish a notification and make the SPD available on the council's website.

4.0 Public Consultation

4.1 In accordance with the TCPA 2012 Regulations, and the Council's SCI, the draft SPD was:

- Published on the Council website at <https://www.blackburn.gov.uk/planning/planning-policies-strategies-and-guides/natural-environment-supplementary-planning>
- Paper copies of the SPD document were placed 'on deposit' at Blackburn and Darwen Town Halls, in the borough's libraries, and in the Barlow Institute, Edgeworth.

4.2 Publicity was issued by:

- Notification on the Council website
- An email/letter to all statutory consultees and general consultees recorded on the council's consultation database. This included the statutory consultees Natural England, Environment Agency and Heritage England.
- Emails to Councillors

4.3 Due to the summer holiday season, comments were invited for 6 weeks between:

- Thursday 15 August and Friday 27 September 2024

This exceeded the statutory 4-week consultation period.

4.4 Comments could be submitted to the Council by online form, email or post. The SPD document contained a series of questions to serve as prompts for consideration. An online comments form was produced, available from the webpage, which allowed respondents to comment on those questions. Alternatively, general comments could be submitted via email to forwardplanning@blackburn.gov.uk, or by post to the Strategic Planning Team.

5.0 A summary of the main issues received and how they have been addressed in the Natural Environment SPD

5.1 16 representations were received through the consultation; all by email. Respondents included the statutory consultees Natural England, Historic England and the Environment

Agency, as well as general consultees including Sport England, National Highways, Lancashire Wildlife Trust, Canal and River Trust, Woodland Trust and United Utilities.

5.2 Details of all the comments received through the representations can be found in Appendix A of this report. Appendix A also details how each comment has been considered, and any changes that have been made to the SPD as a result.

5.3 For the purposes of this feedback statement, a summary is provided below.

- **General support for the Natural Environment SPD:** Respondents welcomed the comprehensive SPD and its commitment to taking action to address the twin climate and biodiversity emergencies. A number of respondents confirmed they had no further comments to make through their representation.
- **Local Geodiversity Sites (LGS):** Two respondents highlighted that Geodiversity guidance had been omitted from the SPD, which has been acknowledged. A new *Section 15: Geodiversity* has been added to the document to provide relevant guidance on geodiversity and links to associated web-based information and mapping.
- **Playing pitches:** Playing pitches are identified as Green and Blue Infrastructure and form a key part of the borough's ecological network. However, Sport England raised concerns that habitat interventions should not be to the detriment of these facilities. The protection of sports facilities is already governed through Local Plan Policy DM20, but additional clarification has been provided through the SPD to make clear they will be safeguarded.
- **Woodlands:** Respondents requested additional guidance be provided in relation to new tree planting and further clarification provided regarding irreplaceable habitats. This has been accommodated, as well as additional guidance on the use of hedgerows to improve connectivity to surrounding habitats.
- **Irreplaceable Habitats:** Respondents sought additional wording and clarification on Irreplaceable Habitats. They also requested the SPD made clear that Irreplaceable Habitats are excluded from BNG requirements due to their high value. These requests have been reflected in the SPD, although Government guidance, and the Council's BNG Planning Advisory Note, provide the detailed guidance.
- **SSSI:** Similarly, clarification was requested in relation to SSSIs and their relationship with Irreplaceable Habitats and BNG. This has been accommodated within the SPD.
- **Peatland:** Respondents wanted the guidance to make clear that new tree planting or woodland creation should not take place on peat soils. This has been reflected in both the 'Trees and Woodland' and 'Soils' (peatland) sections of the SPD. Greater emphasis was also wanted to the importance of peatland, and its designation as both SSSI and Irreplaceable Habitat. Again, these suggestions have been accommodated within the SPD.
- **Air Quality:** The importance of good air quality to habitats was emphasised, and additional wording has been added to reflect UK ambitions and local risks to low nutrient habitats.

- **Specific bodies:** The Environment Agency, Canal and River Trust, and United Utilities requested changes specific to their responsible areas, including requirements to seek their consent for certain works or proposals. The Environment Agency requested changes in relation to clarifying guidance around water habitats (river/streams). Natural England's comments focused around SSSIs and the West Pennine Moors, BNG, and information relating to their own Green Infrastructure Framework. United Utilities wanted further guidance around water efficiencies and mitigating flood risk and drainage. These have been broadly reflected in the SPD, but the relevant bodies should be contacted for all detailed guidance. It is not the role of this SPD to include detailed requirements expected by other organisations.
- **Minor corrections:** In many cases, general requests for clarification or reference to legislation / strategies etc were accommodated. A number of comments requested changes to wording that would seek to mandate requirements or set a policy direction. However, it is not the role of the SPD to set policy, that is for the Local Plan to do so. The SPD just provides guidance to the Plan.
- **Technicalities:** Hyperlinks have been inserted into the final SPD to aid navigation through the document.

6.0 Conclusion

- 6.1 This consultation statement has explained how consultation has been undertaken, in accordance with the TCPA 2012 Regulations and the Council's SCI, and summarised the comments which have been received through the consultation. It has also outlined the changes the Council have made to the Natural Environment SPD in direct response to those representations.
- 6.2 The next stage is for the SPD to progress to adoption. All statutory consultees, general consultees on the planning database and other relevant stakeholders will be notified of subsequent adoption in accordance with the regulations and SCI. The SPD, and an accompanying adoption statement will be made available in accordance with the regulations and SCI, with all materials made available on the Council website.

APPENDIX A: SUMMARY OF REPRESENTATIONS RECEIVED THROUGH THE DRAFT NATURAL ENVIRONMENT SPD CONSULTATION

Rep ID	Person / Organisation	Summary of comments	Council response	Change to SPD (if relevant)
1	GeoLancashire	<p>You have omitted Local Geodiversity Sites, previously known as RIGS. They are all on Mario and should be included in your document. They are a level below SSSI but consultation about potential damage to them, such as from development, is required.</p> <p>GeoLancashire are responsible for administration of LGS in Lancashire</p>	Noted.	New 'Section 15: Geodiversity' inserted with relevant guidance.
2	Martin Reid	<p>Answer to Q3. Canal and River trust should be included and any Parish Council local residents groups affected by any proposed environmental changes / improvements</p> <p>Answer to Q4. New developments MUST incorporate opportunities for health improvements and active travel, such as cycling and walking paths (this includes BwD planning Dept. accepting and introducing all the road safety recommendations from within the BwDBC commissioned West Blackburn Traffic Assessment 2019 and any other commissioned reports by choosing to ignore certain aspects of reports / expert recommendations, putting residents road safety at risk and wasting residents money).</p> <p>Answer to Q5 There appears to be a lot of the use "the developer should" or the wording "it is recommended that the developer" take action etc., surely the use of a more stronger wording i.e. the developer MUST would be more appropriate and more legally binding.</p>	<p>The SPD acknowledges that a comprehensive list of strategies / plans is difficult to list in the SPD. The CRT, parish councils and local residents are able to comment through the consultation.</p> <p>This is a requirement of Local Plan policies – including DM16 and DM27 and DM29.</p> <p>The SPD provides guidance, and cannot set absolute requirements in respect of planning policy – that is the role of the Local Plan.</p>	<p>No actions required.</p> <p>No actions required.</p> <p>No actions required.</p>

		<p>Answer to Q8. BwD planning Dept. accepting and introducing all road safety recommendations from within the BwDBC commissioned West Blackburn Traffic Assessment 2019 and not choosing to ignore certain aspects of the report (i.e. West Blackburn Traffic Assessment 2019 Road Safety Walking, cycling and wheeling road safety recommendations along Broken Stone Road linking urban with the local countryside safely with no risk).</p> <p>Answer to Q8. The principal effect of a TPO is to prohibit the cutting down, uprooting, topping, lopping or wilful damage or destruction of trees without the consent of the local planning authority. Developers MUST contact the Council’s Arboricultural Officer to check the status of trees on or adjacent to development sites.</p> <p>Answer to Q12 BWDBC Air Quality Status report 2024 show that even though there has been a significant increase in road traffic around the west side of Blackburn as a result of the mass increase in new housing developments and their location close to junctions 3 and 4 of the M65 motorway , no air quality sampling stations have been introduced around the west of Blackburn, traffic surveys have only been carried out during off peak times, thereby providing little or no accurate traffic data and no accurate long term air quality level monitoring across this section of the borough.</p> <p>Answer to Q14 Any Environmental contributions made under S106 should be fully discussed and agreed with the affected local parish council / local residents groups to ensure that the local residents have their say and encourage responsibility and ownership on any environmental changes to their surrounding area that would affect them on a day to day basis.</p>	<p>Noted, however comments do not directly relate to the content of the SPD.</p> <p>TPOs are shown on the Council’s online planning constraints mapping and so checks can be made publicly (rather than having to contact the Arb. Officer). Details should then be sought from the Council.</p> <p>Noted. Local Plan Policy DM02 states that “A comprehensive mitigation strategy will be required for any development likely to give rise to a deterioration of air quality.” This may include requirements to monitor air quality.</p> <p>Local Plan Policy DM14 states that the use of environmental opportunity areas will be developed in consultation with all relevant stakeholders. This is detailed through Chapter 14 of the SPD.</p>	<p>No actions required.</p> <p>Wording amended at 10.50 to say ‘Developers <i>should</i> contact the Council’s Arboricultural Officer...’.</p> <p>No actions required.</p> <p>No actions required.</p>
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3	Local Lead Flood Authority, Lancashire County Council	The Lead Local Flood Authority has reviewed the consultation details and has no comments to make on the Blackburn with Darwen Draft Natural Environment SPD	Noted	No actions required.
4	LCC School Planning Team	After reviewing the consultation information provided we don't have anything further to add and would welcome inclusion in any future dialogue with Blackburn with Darwen Borough Council.	Noted	No actions required.
5	Historic England	Thank you for consulting Historic England on the above document. At this stage we have no comments to make on its content.	Noted	No actions required.
6	Sport England	<p>Sport England supports the overall principles where these relate to active environments and encouraging active lifestyles.</p> <p>However, we would like the Council to consider how the SPD in its requirements for site drainage and landscape planting impacts on the use of playing fields and this should also be considered where Biodiversity Net Gain is proposed on playing field site. Whilst planning permission may not be required for some proposals, Sport England would encourage the Local Authority to discuss these with them to prevent any detrimental impact to the delivery of sport and related outdoor activities.</p>	Noted	No actions required.
		<p>Document References:</p> <ul style="list-style-type: none"> • Sport England would suggest that our Playing Pitch Policy and Guidance is referred to in the National Policy/Guidance reference in Section 3. • Sport England would suggest that Blackburn with Darwen Developer Contributions SPD is included in 3.6. 	<p>Noted.</p> <p>Noted.</p>	<p>No actions required.</p> <p>Reference added in to Section 3.</p> <p>Reference added to section 3.7.</p>

		<ul style="list-style-type: none"> • In particular Sport England notes at 6.12, Table 1: Areas of Strategic Significance, that ‘Playing Pitches’ are identified with a purpose to ‘Improve connectivity of habitats’ and to ‘Increase size, quality or quantity of habitats’ - this should not be to the detriment of the use of playing fields and pitches for sporting purposes and Sport England would encourage applicant’s and/or the Council to discuss any such proposals. Sport England will engage with National Governing Body’s for sport to ascertain any potential impacts. • Sport England notes the reference to SSSI identified as Pleasington Playing Fields (south) and Feniscliffe Playing Field - both of which are playing field as defined by the Town & Country Planning (Development Management Procedure) (England) Order 2015. Sport England would encourage consultation for any proposed natural environment improvements on these and any other sites which contained playing field land. • Sport England notes reference to ‘Recreational Disturbance’ at 6.28-6.33 and would encourage applicant’s and/or the Council to discuss any mitigation proposals. Sport England will engage with National Governing Body’s for sport to ascertain any potential impacts. • Sport England notes reference to ‘Artificial Lighting and Light Pollution’ at 6.34-6.36 and would encourage the Council to discuss any mitigation proposals. The use of sports lighting facilitates the use of sports facilities in the evenings during winter months which is important for the development of sport and the sustainability of grassroot clubs and premises. Sport England will encourage the use of appropriate levels of sports lighting to this end and would welcome further engagement in achieving both Sport England and nature conservation objectives. 	<p>Noted</p> <p>Noted</p> <p>Noted.</p> <p>Noted.</p>	<p>Clarification provided at 6.13 in respect of protection of playing pitches and LP Policy DM20.</p> <p>Clarification provided at 6.13 in respect of protection of playing pitches and LP Policy DM20. Reference to consultation with Sport England included.</p> <p>Additional paragraph inserted at 6.37.</p> <p>Additional paragraph inserted at 6.37.</p>
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7	Peter Del Strother, GeoLancashire	You have omitted Local Geodiversity Sites, previously known as RIGS. They are all shown on Mario and should be referenced in your plan. I am a member of GeoLancashire, who administers these sites.	Noted	New ‘Section 15: Geodiversity’ inserted with relevant guidance.
8	Coal Authority	It is noted that this current consultation relates to a draft Natural Environment SPD and I can confirm that the Planning team at the Coal Authority have no specific comments to make on this document.	Noted	No actions required.
9	Lancashire Wildlife Trust	We are content with the purpose and the scope of this Natural Environment SPD. We offer no comment on the SA/SEA screening process.	Noted	No actions required.

		<p>We have not noticed omission of key strategies / policies / guidance.</p> <p>We are unaware of anything of substance that should additionally be included in Section 4.</p> <p>We welcome the content of Section 6: Nature Recovery Strategies</p> <p>We are unaware of anything of substance that should additionally be included in Section 7.</p> <p>We are unaware of anything of substance that should additionally be included in Section 8.</p> <p>We note that there is no question on <i>Section 9: Achieving accreditation</i>. However, we welcome the inclusion of content on the <i>Building with Nature</i> standard.</p>		
		<p>Section 10: The subheading “<i>Irreplaceable Habitats (Ancient woodlands, veteran & ancient trees)</i>” above paragraph 10.29 is potentially misleading as peatlands are also irreplaceable habitats: indeed, the current BNG guidance specifically identifies ‘<i>blanket bog</i>’ as an irreplaceable habitat: see https://www.gov.uk/guidance/irreplaceable-habitats. A cross-reference to that effect between ‘<i>Section 12: Soils & peatland</i>’ and ‘<i>Section 10: Trees, woodland, hedgerows</i>’ would be one way to clarify, though we are open to other ways to achieve that.</p> <p>We would wish to see the addition of a requirement not to plant trees or create new woodlands on peat soils. This would avoid compromising existing carbon stores and peatland habitats; and loss of opportunities to restore those, where degraded, through wetter farming practices, or through active restoration of carbon-sequestering bog habitats.</p>	<p>Noted.</p>	<p>Wording within Section 10 amended to make clear that section refers only to trees and ancient woodlands as Irreplaceable habitats.</p> <p>Additional paragraph then inserted in section 12 (12.11) (soils) to clarify the importance of peat as irreplaceable habitats.</p> <p>Additional wording inserted in Section 10 (para 10.17) to avoid planting trees on peatland.</p>

				Additional wording inserted in section 12 (12.18) to avoid planting trees on peatland.
		We are unaware of anything of substance that should additionally be included in Section 11.	Noted	No actions required.
		<p>Section 12: Paragraph 12.13 states that, <i>“Government rules mean that much of the SSSI land cannot be remediated through biodiversity net gain. This is because landowners should already be working to bring SSSI sites and features into favourable condition and BNG cannot be used in addition to existing work. However, there are other mitigation opportunities available.”</i></p> <p>This is, indeed, the case. However, <i>“blanket bog”</i> peatland is also specifically identified as an <i>“irreplaceable habitat”</i> in Government BNG guidance so, even where it lies outside a biological SSSI boundary - for example, as at Cranberry Moor Biological Heritage Site, south of Darwen - its proposed degradation or destruction through development cannot be included in BNG calculations: see https://www.gov.uk/guidance/irreplaceable-habitats.</p> <p>The 10% BNG requirement does not apply where there is to be loss of irreplaceable habitat because that would be impossible to achieve. Instead, an applicant would need to minimise adverse impacts and agree a compensation strategy with your authority.</p>	Noted	Additional text inserted at para 12.15 to clarify in respect of irreplaceable habitats.
		Section 13: We particularly welcome the recognition of the potentially deleterious impacts of poor air quality on nature’s recovery, and guidance on how to avoid or alleviate these where they may be the result of development under the control of the planning system. For reference, a broad summary appears on the website of the United Kingdom’s	Noted	New paragraph inserted at 13.4 to link to JNCC page and highlight impacts of poor air quality on nature recovery.

		<p>Joint Nature Conservation Committee (JNCC), at https://jncc.gov.uk/our-work/clean-air-for-nature.</p>		
		<p>Section 14: The suitability of a particular ‘<i>Environmental Opportunity Area</i>’ (EOA) to deliver mitigation and/or compensation for negative development impacts elsewhere on a key species’ populations and/or types of key habitat, including habitat mosaics, without leading to concomitant losses to that EOA’s associated existing key species populations and/or its key habitat types and/or existing significant ecological connectivity and/or functions, if any, would be very site-specific.</p> <p>Consequently, we welcome the recognition, at paragraph 14.8, that “<i>Offset requirements will be decided on a case-by-case basis</i>”, and that “<i>Advice can be requested at the pre-application stage</i>”.</p>	Noted	No actions required.
		<p>Given the length of this draft Supplementary Planning Document (SPD) it might help ease of access if, in the web-based final version, there were contents pages - pp 2-5 inclusive in this draft - with internal hyperlinks to the start of each section; rather in the manner of the online National Planning Policy Framework document on www.gov.uk.</p>	Noted. Hyperlinks can be inserted into the final SPD document.	Hyperlinks inserted into the final SPD document.
10	Amanda Barnes	<p>Overall, I think that adopting The Natural Environment Supplementary Planning Document (NESPD) to form part of the of the Blackburn with Darwen Local Plan 2021-2037, will be a positive step toward supporting the conservation and enhancement of nature. However, I do have valid and grave concerns.</p> <p>What evidence and assurances can the Local Authority (LA) provide that the policies will be transparent, robust, fully and properly implemented, monitored and enforced, so that all</p>	<p>Noted. The SPD provides supporting guidance to the environmental based polices of the Local Plan. It does not set new policy requirements.</p> <p>The Local Plan has been adopted following a public examination that independently assessed all of the local planning policies. The plan now manages new development in the borough.</p>	No actions required.

		<p>parties including the LA, landowners and developers are meeting their obligations?</p> <p>A case in point is the Kingsley Close Public Open Space (Kingsley POS). Despite the promises made and assurances given by the LA and developers, despite planning conditions, despite the Kingsley POS being listed as Local Green Space on the Local Plan, and despite being listed as an Asset of Community Value, this has not prevented developers from their destructive actions and neglectful inactions. I will demonstrate this point by relating to sections of The NESPD document, although many of these policies were already in existence (in the same/similar form) in the previous Local Plan (in place at the time of the development).</p>	<p>The Council have successfully taken enforcement action through a Public Inquiry against the landowners, to secure the site as Local Green Space open to the public. However, the Planning Inspector did not require the landowners to maintain the site, and the landowners have confirmed to the Council they have no intention to do so. As this is private land the local planning authority has no enforcement powers to ensure the landowners maintain the land. This is a legacy of a planning permission over 20 years where the planning conditions imposed were weak. The new SPD moving forward will ensure this is not repeated on future development sites.</p>	
		<p>4.26 Invasive and non-native species (INNS) are evident across the borough, particularly along river and canal corridors and woodland areas. New developments should remove INNS as appropriate. My comments: Under the guise of 'rewilding' to increase biodiversity, landowners/developers have allowed the spread of Himalayan Balsam on the Kingsley POS. Himalayan Balsam actually decreases biodiversity and is degrading the green space. Despite informing the landowners, the LA, The Environment Agency and The Canal & Rivers Trust, there appears to have been no action to eradicate this INNS or enforce the landowners to do so (although I am aware that the C&RT have advised the LA and have also suggested enforcement). The responsibility for maintaining the green space has been left to the residents who have done so for many years (cutting grass, fixing fences etc.) and they have offered to carry on maintaining the site at no cost to the</p>	<p>No comments can be made here in respect of the Kingsley Close POS as planning permission for the development was granted under a previous plan.</p> <p>Under the current Local Plan, all new development will be required to deliver biodiversity gains. It would be expected that any INNS on a development site would be identified through baseline ecological assessments, and then mitigation measures taken to remove the INNS as part of the delivery of biodiversity gains.</p> <p>Most new BNG must be secured and managed for at least 30 years, and this would be expected to include the management of INNS as part of wider habitat gain delivery.</p>	<p>No actions required.</p>

		<p>landowners. However, the agents acting on behalf of the landowner/developers have forbid anyone to carry out any maintenance works whatsoever, and have stated that anyone doing so will be trespassing and they have threatened to take legal action against them. Therefore, the land is becoming derelict, which is not the same as rewilding. This is meant to be a green space for use of the public for recreational purposes. It is my assertion that developers/landowners have been purposefully neglecting the land so that it falls into such a state of disrepair, that it becomes unusable as a POS, and they can then make a case for building/developing further.</p> <p>My Question: If the same/similar scenario happens once the NESPD is adopted, what (if any) action or enforcement will the LA take?</p>	<p>The Council can take enforcement action where agreed habitats, secured through BNG, are not in the relevant condition at a relevant time.</p>	
		<p>5.8 Protect existing sites whilst improving their quality. My question: Would this protection extend to existing green spaces and Public Open Spaces attached to developments, such as the Kingsley POS?</p>	<p>Policies CP6, DM15, DM16 and DM18 of the Local Plan seek to protect existing i) wildlife habitats, ii) green and blue spaces and iii) public open spaces (respectively), and to improve their quality. This protection applies in accordance with the policies.</p>	<p>No actions required.</p>
		<p>5.13 & 5.14 Benefits My comment: Despite the benefits that restoring the Kingsley POS would bring, representatives of the LA have refused to further consider the green investment to purchase the Kingsley POS (compulsory purchase process using the Critchel Down rules, or otherwise) to safeguard, protect and improve the quality of the land. LA representatives have cited that compulsory purchase is only used in relation to development. The benefits of a green investment would include:</p> <ul style="list-style-type: none"> • Providing habitats for a range of wildlife, including food and shelter (the developers chopped down trees and bushes leaving stumps behind) 	<p>This is not a matter for the Natural Environment SPD to consider, the purpose of which is to provide further guidance on policies set out in the Local Plan.</p>	<p>No actions required.</p>

		<ul style="list-style-type: none"> • Supporting pollinators • Providing character and a sense of place (the character of the green space is currently diminishing) • Providing 'green spaces' to support recreation and leisure opportunities (it's very difficult to access, walk through, sit or play in a totally unmaintained green space, particularly when Himalayan Balsam is rampant, benches have been removed, paths and tracks have overgrown) • Supporting access to nature to promote physical and mental health and wellbeing • Absorbing urban noise (The POS is located in an urban area near the M65 and Livesey Branch Rd) • Providing attractive places that people want to live in (the POS is in close proximity to residential properties and the unmaintained POS and access track are affecting the attractiveness of the nearby properties. This is particularly galling as the residents took pride in maintaining the POS previously). • Providing areas for community • Reducing NHS health costs. <p>My question: In terms of BNG benefits and Natural Capital, would the LA reconsider the compulsory purchase of the Kingsley POS as a green investment?</p>		
		<p>6.25. 6.26 & 6.27 Protection of existing habitats My question: Would these policies protect existing sites such as the Kingsley POS and bring about action to restore them? Would the current Government policy of Unauthorised degradation (the deterioration or damage of a habitat or environment that occurs without proper permission or in violation of existing regulations) be considered and enforced as part of this policy, and how would it protect green spaces such as the Kingsley POS?</p>	<p>Policies CP6, DM15, DM16 and DM18 of the Local Plan seek to protect existing i) wildlife habitats, ii) green and blue spaces and iii) public open spaces (respectively), and to improve their quality. This protection applies in accordance with the policies, and will be used in determining future planning applications.</p> <p>Policies cannot be applied retrospectively to developments which have already occurred.</p>	<p>No actions required.</p>

		<p>8.30 Management "Management and ongoing maintenance of open space as part of developments will be the responsibility of the developer. Before commencement of development, the developer must confirm the details of maintenance responsibility with the Council and this will be imposed through a planning condition to ensure that the space is maintained to an acceptable standard in the future, for the long term and in major sites required in perpetuity via a S106 agreements".</p> <p>My comment: Regarding the Kingsley POS, condition No4 was never formally discharged. - "No development shall take place until details of the maintenance and management regime for the proposed communal open spaces on the development has been submitted to and approved in writing by the Local Planning Authority. REASON: To ensure that the communal open areas to be provided are satisfactorily maintained in accordance with Policy H4 of the Blackburn with Darwen Local Plan (Deposit Edition)." When LA representatives were asked why condition no.4 was not discharged, the response was that the LA are not obliged to do so.</p> <p>My question: If the LA are not obliged to discharge planning conditions, how will the maintenance of green spaces such as the Kingsley POS (or future developments) be agreed, monitored, and enforced?</p>	<p>No comments can be made here in respect of the Kingsley Close POS as planning permission for the development was granted under a previous plan. Policies cannot be applied retrospectively to developments which have already occurred.</p> <p>The SPD provides the guidance to support the policies of the Local Plan and their application in future planning decisions. It confirms that planning conditions will be imposed to ensure open space is suitably maintained. Planning conditions are legally binding, but do not necessarily require formal discharge.</p>	<p>No actions required.</p>
		<p>8.40 DM Policy 18 (DM18) Public Open Space in New Developments "3. All developments that include an element of green space will be required to secure the appropriate maintenance of the space in the long term"</p>	<p>As above.</p>	<p>No actions required.</p>

		<i>My question: As per my question re 8.30 how will this be agreed, monitored and enforced?</i>		
		<p>10.7 Existing trees “In accordance with paragraph 2 of Policy DM17, existing trees and hedgerows should be retained and protected within development proposals as part of the design and layout of the scheme.” My comment: Developers, without planning permission, without safety barriers, without consultation with residents or the LA, without a tree felling license in place, chopped down trees on the Kingsley POS. They returned again, and again, and again n to chop down bushes and trees (some during the nesting season – March) and no enforcement action was taken. Developers were asked, but not enforced to replant or replace any trees. My question: If policies are already in place to protect existing trees and the above can happen, what makes the NESPD different? How will the protection of existing trees be monitored and enforced?</p>	<p>Policy DM17 of the Local Plan seeks to protect existing trees and woodland. The SPD provides the supporting guidance.</p> <p>Policies cannot be applied retrospectively to developments which have already occurred.</p>	No actions required.
		<p>10.40 Protection of species “It is illegal to disturb nesting birds, under Section 1 of the Wildlife and Countryside Act 1981. The ‘Bird Nesting Season’ runs from February until August. Vegetation works (tree or hedge cutting) or site clearance should be done outside of the nesting season. This should also include ground vegetation, and ground nesting birds. The busiest time for nesting birds is from 1st March until 31st July but will vary according to species and weather conditions.” My comments: Developers chopped down trees and bushes on the Kingsley POS and track, during the nesting season, and</p>	<p>The Local Plan, and national legislation, govern the protection of habitats and bird nesting. The Natural Environment SPD provides the supporting guidance.</p> <p>Any breaches of legislation or policy would be investigated at the time of a report and any necessary enforcement action considered and/or taken.</p> <p>Policies cannot be applied retrospectively to developments which have already occurred.</p>	No actions required.

		<p>evidence of birds nest were left behind. This was reported, but the developers did not face any jeopardy, and they continued their destruction of the site.</p> <p>My question: What further legislation is in place, and what enforcement action will be taken to protect nesting birds from developers destroying their habitats?</p>		
		<p>In summary: Whilst it may/may not be the case that any new/updated policies within the NESPD and Local plan will change the current situation for the Kingsley POS (although it would be a great opportunity for the LA to demonstrate their TRACK values and to implement the new policies) I do hope that lessons can be learned so that wonderful green spaces, such as the Kingsley POS, which are of great importance to the local communities who use them, are protected. Policies should be robustly enforced so that developers cannot be enabled or empowered to carry out shameful, destructive actions and neglectful inactions, as has been the case for the Kingsley POS.</p> <p>I do sincerely hope that the polices will be adopted, implemented and adhered to, so that nature stands a chance to enhance our environment and benefit our communities.</p>	Noted	No actions required.
11	Woodland Trust	<p>The Woodland Trust welcomes the steps already made by the Council to enhance trees and woodlands within its district, through a dedicated tree strategy.</p>	Noted	No actions required
		<p>We welcome that a long-term woodland management plan will be made a requirement for new woodland, alongside engagement with existing landowners.</p>	Noted	No actions required
		<p>We welcome the councils 'native species' section, which aligns with the Woodland Trusts' own views on climate resilience and biosecurity</p>	Noted	No actions required

		The requirement that all tree guards be plastic-free is welcome and something the Woodland Trust already does on our own sites and planting projects	Noted	No actions required
		On point 10.3 of the draft SPD, it would be helpful to suggest a minimum buffer around woodland. We suggest a buffer of 50 metres to minimise the impact of development on woodland – any nearer has an exponential impact on the habitat and its wildlife	Paragraph 10.3 confirms the Council have adopted a Tree and Woodland Strategy. Impacts of development on woodland will be assessed on a case-by-case basis.	No actions required.
		In the 'new trees' section of the SPD, we would suggest that a minimum canopy cover target for new developments in the council area is proposed. The Woodland Trust has previously recommended that local authorities should commit to achieving a minimum of 30% tree canopy cover for new development land, through new and retained trees.	The Council have adopted a Tree and Woodland Strategy, which sets out a commitment to increase canopy cover within the borough. However, no targets have yet been set. It would not be appropriate to set a target for new development land, owing to all the variances within sites. Fixed levels of tree provision may not always be appropriate, for example, owing to size constraints, physical infrastructure, or other habitats.	No actions required.
		On the 'removal of trees' section, we would recommend that a section is included to set out the council's process regarding the removal of street trees to ensure transparency. We would encourage the council to take the position that street trees are only felled as a matter of last resort and when all other alternatives have been considered, recognising the benefits of urban trees and their significant to local communities	Details relating to the Councils approach to the felling of Street Trees / trees in council ownership are detailed within the Tree and Woodland Strategy.	No actions required.
		On points 10.30, we would recommend that a sentence is included which makes the point that no compensation can make up for the loss of irreplaceable habitats such as ancient woodland.	Any proposed loss of irreplaceable habitats must demonstrate exceptional reasons and provide appropriate compensation. Whilst the sentiment of the proposed change is accepted, this would be inaccurate in policy	No actions required.

			terms and the current wording at 10.30 and 10.31 is considered appropriate.	
		On points 10.32 we would make the point, as stated by Defra, that the loss of irreplaceable habitats do not come into the BNG equation, simply because it would be impossible to pass the BNG requirements with the loss of these important habitats	Noted.	Sentence added at 10.35.
		In the 'hedgerows' section we would recommend that patches of nearby woodlands that are isolated from one another could be connected via corridors of hedgerows and that this should be explored where possible.	Noted.	Additional paragraph added at 10.41 to encourage hedgerow corridors and connectivity.
12	Canal & River Trust	<p>Question 4</p> <p>We note that paragraph 4.26, the third bullet reads "Many habitats are in poor condition. Habitats have been fragmented by rivers, canals, motorways and roads, land management techniques, land ownership and development." We do not agree with this statement in terms of rivers and canals causing the fragmentation of habitats. Rivers and canals are some of the sole habitat/sanctuaries for wildlife in some areas and play an essential role in providing wildlife corridors. Indeed, they are also key linking habitats/corridors (as noted in Table 1). We would strongly ask that the bullet point is reworded.</p>	Noted.	Reference to "...rivers, canals,..." has been removed from the sentence at 4.26.
		The 6th bullet point of paragraph 4.26 relates to invasive species and that new development should remove these as appropriate. This should be caveated that invasive species cannot always be removed straight away, for example Japanese knotweed requires consistent management over a period of several years, unless it can be completely excavated without detriment/damage to infrastructure. Himalayan balsam requires at least 3 years of annual removal to ensure	Noted	Wording amended at 4.26 to include the need to manage INNS.

	seeds in the seed bank do not germinate. We would suggest the bullet point is expanded to include the management of invasive species from new development.		
	<p>Question 5 Paragraph 6.46 relates to the aquatic environment/habitat including the canal and notes the role of the EA and LLFA. It also notes the need to take BNG into account in relation to watercourses. We would ask that this paragraph is expanded to include the potential consent of the Canal & River Trust being needed in relation to development proposals related to the Leeds & Liverpool canal and that the Trust offer a free preapplication process.</p>	Noted	Wording amended at para 6.48 (was 6.46) to include reference to the potential need for consent from CRT, and a link to their pre-app service.
	In relation to paragraph 6.56, the legislation 'The Invasive Alien Species (Enforcement and Permitting) Order 2019' also applies and should be added here for completeness.	Noted	Additional wording and reference to the Order provided at paragraph 6.59.
	<p>Question 6 The Statutory Biodiversity Metric User Guide (p39-41) requires that if the site boundary of a proposed development includes land within 10m of a canal or river and/or 5m of a ditch the adjacent lengths of watercourse should be included within the watercourse baseline assessment in the Metric. Unless an exemption applies, the developer will need to deliver a minimum 10% net gain in watercourse biodiversity units. The Trust may be able to assist developers in meeting BNG requirements by providing off-site biodiversity units. This would be subject to operational, management and commercial considerations. Developers wishing to discuss opportunities to secure biodiversity units on Trust land should discuss this directly with the Trust.</p>	Noted. However, the Council cannot direct developers to off-site units in preference to others – including their own. Any available off-site units or sites should be registered on the Natural England off-site register. Developers seeking units should use the register to identify availability.	No actions required.
	Question 10 Section 11 relates to flooding, drainage and water and the hierarchy for discharge. The role of SUDs is noted and the role this can play in supporting the Natural Environment. This section does not include any reference to the canal, when really it ought to. As noted, the canal is an	Noted	Additional wording inserted at paragraph 11.14 to confirm CRT may accept water discharge into the

		artificial water body, there may be scope for surface water drainage to be discharged to the canal, this would however be subject to our separate consent and we are not obliged to accept such water. We would welcome this being referenced within the document.		canal, but their consent is required.
13	National Highways	<p>Thank you for the opportunity to comment on the consultation on the Draft Natural Environment SPD.</p> <p>National Highways has no specific amendments to the draft SPD document as this does not have any effect on the SRN, but does recognise that Local Plans are looking at including a focus on environmental enhancements, reflective of their importance to achieving sustainable, balanced growth; supporting the government’s environmental ambitions; and delivering a healthy and thriving local environment.</p> <p>National Highways acknowledge the inclusion of the requirements as part of the NPPF. Also where there is new development allocated it is expected to demonstrate social, economic and environmental net gains against the strategic objectives of the plan.</p> <p>National Highways notes that the Local Plan includes a focus on environmental enhancements, reflective of their importance to achieving sustainable, balanced growth; supporting the government’s environmental ambitions; and delivering a healthy and thriving local environment.</p> <p>A number of environmental policies have been included within the SPD document and National Highways look forward to working with Blackburn Council on the delivery of these policies through their Local Plan. Where any developments (housing, employment) may affect the Strategic Road Network NH will work with Blackburn to see how these can best be focused.</p>	Noted	No actions required.

14	Environment Agency	<p>Q1: This SPD is very comprehensive and shows a true commitment by the local authority to take action to address the climate and biodiversity emergency.</p> <ul style="list-style-type: none"> • More emphasis should be given to river restoration and de-culverting opportunities, include this in the Biodiversity/BNG and Opportunity Mapping 	<p>Noted.</p> <p>The SPD explains that the BNG mapping derives from the Green Infrastructure and Ecological Networks SPD (2015) and will be carried forward until such time that the Lancashire LNRS is adopted. It is expected that the LNRS will set out strategies relating to rivers and is being prepared with the input of stakeholders – including the Environment Agency.</p>	No actions required.
		<p>Q3: Suggest referring to the Landscape Recovery Strategy, in particular the West Pennine Moors Nature Partnership</p>	<p>The Landscape Recovery scheme provides funding for long-term and large-scale projects in England. This SPD provides guidance to support the policies of the Local Plan. Wider strategy, including available green finance schemes, and delivery projects, like those for the West Pennine Moors, are not the focus of this SPD and will instead be considered through a proposed Biodiversity Strategy.</p>	No actions required.
		<p>Q5: Use the best available environmental data showing sites, habitats and species of ecological importance to ensure development is located away from these areas.</p> <ul style="list-style-type: none"> • 6.41 - Should include Rivers and Streams as a Priority Habitat 	<p>Priority Habitats are identified by the Government through the UK BAP. The SPD provides a summary of the 56 listed habitats, and includes rivers and streams. These had been omitted from the summary list in the SPD.</p>	Rivers, streams and ponds are now included in the list at 6.42.
		<p>Q6: 6.46 – Include policies for de-culverting, removal of redundant structures from main rivers, create/maintain wildlife rich corridors to buffer watercourses and sensitive/ appropriate planting/invasive non-native species removal in river corridors. All elements that contribute to the</p>	Noted	Additional wording included at 6.48.

		<p>achievement of Water Framework Directive (WFD), biodiversity and BNG objectives.</p> <ul style="list-style-type: none"> • Other key legislation to reference: Enhanced NERC Duty – Complying with biodiversity duty and supporting policy framework, including chapter 15 of the NPPF and associated Planning Practice Guidance on the Natural Environment. 	Noted	Specific wording explaining the requirements of the NERC duty added at 3.4.
		Q7: We are satisfied with the BNG detail included in this section	Noted	No actions required.
		<p>Section 8:</p> <p>8.1- Ensure the protection and enhancement of water bodies and the mechanisms required to deliver this.</p> <ul style="list-style-type: none"> • 8.7- this could include de-culverting, creation and management of ecological buffer strips and corridors, new wetland areas to help manage flood risk and improve water quality, including reducing diffuse pollution, whilst reconnecting people with nature. <p>• 8.26 – The Environmental Improvement Plan 2023 made a new commitment to ensure everyone should live within 15 minutes’ walk of green or blue spaces.</p>	<p>It is not considered explicit reference is needed to the protection and enhancement of water bodies, or to specific interventions that could be taken. However, these have been included within the GBI Design Considerations table at Appendix H.</p> <p>Noted</p>	<p>Inclusion of suggested wording in Appendix H.</p> <p>Additional wording added at 8.26 to link the EIP commitment to accessibility considerations.</p>
		<p>Section 10:</p> <p>10.28 – Use opportunities to help wildlife to adapt to climate change through multi-functional sustainable drainage, wetland creation and restoration, promoting urban green space, protecting urban green space, protecting existing wildlife corridors and developing new ones, preferably linking existing and new sites.</p>	It is considered that this is already iterated throughout the document, however, suggestion noted.	Additional wording included at para 10.31.
15	Natural England	Question 4	Noted	Additional wording inserted into paragraph 4.11.

		<p>Section 4.11 – This should be expanded to acknowledge the other reasons WPM is notified aside from its moorland habitats. It is notified for its mosaic of habitats, both upland and moorland fringe, this includes blanket bog, heathland, flushes, rush pasture, species rich grassland (acid pastures and neutral meadows) and woodlands. It is also recognised for its importance for birds, those being the upland breeding birds, woodland breeding birds, herons, black-headed gulls and mediterranean gulls.</p>		
		<p>Question 6 Section 6.28 - Natural England welcomes reference to the impacts recreational disturbance can have on habitats. However, we advise it is worth reinforcing that these impacts are not created solely by tourists and that new housing developments could also be accountable for impacts to designated sites.</p> <ul style="list-style-type: none"> • Section 6.31 – It should be mentioned that both nature conservation and restoration is central to supporting each of the assets mentioned. • Section 6.35 – This section could be strengthened to acknowledge that, particularly in rural areas, artificial light impacts can also be caused by indoor lighting can also be disturbing to nearby habitats. • Section 6.8 – The draft LNRS is expected March 2025 with the Lancashire LNRS expected to be completed in the Summer of 2025. Also, whilst Lancashire County Council is the appointed RA for the LNRS It could be expanded to include that the LNRS is a collaborative project including Blackburn with Darwen council as well as a wide range of stakeholders. 	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>LCC have provided the timescales for the preparation of the LNRS, as reflected in the document.</p>	<p>Additional wording added at para 6.30.</p> <p>Additional wording added at para 6.32</p> <p>Additional wording added at para 6.35</p> <p>No change to the dates.</p> <p>Additional wording included at 6.8 to clarify LNRS being prepared by LCC in collaboration with BwD BC and other stakeholders.</p> <p>No actions required.</p>

		<ul style="list-style-type: none"> • Section 6.9 – Once the LNRS has been published, other strategies cannot be used to determine the strategic significance multiplier in BNG uplift calculations; only the LNRS can be used for this 	<p>The current wording reflects this.</p>	
		<p>Section 7</p> <p>Section 7.26 – Natural England welcomes that development must consider existing species which may be present, including swifts. We advise that this be expanded to ground nesting birds which have significant importance locally and require specific mitigation measures if displaced.</p> <ul style="list-style-type: none"> • Section 7.3 – ‘Defra Metric’ should be updated to ‘Statutory Biodiversity Metric. We welcome the inclusion of the statutory credits however we advise it is advised that this is seen as a last resort and must be accompanied by evidence and justification. • References made to the ‘metrics’ in sections 7.6, 7.8 and 7.9 should be updated to ‘Statutory Biodiversity Metric and Small Sites Metric’ • Section 7.16 - Natural England advise the council may wish to request a Draft Biodiversity Gain Plan at validation stage. We note the guidance relating to this was previously amended to allow local authorities with lower capacity to manage some documentation at a later stage of the planning process. However, to remain consistent with other local 	<p>7.26 section relates to design features in new developments, and, more specifically, buildings. As buildings are frequently used, there is a greater risk of disturbance at ground level. In some areas (e.g. new housing developments) this will include predation risk from domestic pets. Therefore, it is not considered appropriate to encourage ground nesting birds in new developments.</p> <p>Defra operate both a Statutory BM and a Small Sites Metric, and therefore the wording ‘metric’ is used to refer to either one. Government guidance, and the BNG PAN, stress that credits should only be seen as a last resort – it is not considered necessary to replicate this here.</p> <p>As above. Furthermore, the metrics may change in time, and so reference within the SPD to specific references may quickly become out of date.</p> <p>The Council agrees with this statement. The BNG PAN sets out the validation requirements and encourages a draft BGP. We are currently reviewing the validation checklist and whether a draft BGP should be required.</p>	<p>No actions required.</p> <p>No actions required.</p> <p>No actions required.</p> <p>No actions required.</p>

		authorities in the north-west, we encourage local validation requirements are updated to request a Draft Biodiversity Gain Plan at validation		
		Question 7 Natural England has no specific comments to make at this time however we welcome the council to get in contact if they would like to discuss any further matters on BNG.	Noted	No actions required.
		Section 8: Natural England welcome the inclusion and level of detail provided around Green Infrastructure and Natural England’s Green Infrastructure Framework. We advise a little more wording relating to the GI Standards is provided, particularly the Urban Greening Factor (UGF) Standard to ensure that provision of GI is standard practice and a necessity in new developments rather than a consideration. Further information on the UGF Standard can be found within Urban Greening Factor User Guide. The introduction of an UGF would also provide a mechanism to increase urban biodiversity where development may be exempt from BNG requirements because of zero scores within metric calculations. Natural England refer you to UGF Case Studies and would be happy to support you in developing this. We also advise that section 8.26 could be strengthened to highlight how people of different ethnicities and religious communities use and perceive greenspaces in different ways also.	Natural England’s guidance on the GI Frameworks is extensive, and it is not considered necessary to replicate guidance here. Any requirements for UGF standards to be achieved through new developments should be set through local policy, and our local policies do not reference UGF standards. This should be considered through a future view of the Plan. 8.26 – gender is provided as an <i>example</i> of how different people use space. It is not considered that the list needs to be exhaustive to include ethnicities and religious communities, or any other protected characteristics. The guidance stresses that GBI should be accessible by all and so due consideration should be given.	No actions required. No actions required.
		Section 10: Section 10.7 – There is a no mention of scrub habitat and its importance to biodiversity. It can act as an effective buffer to woodlands and also as a vital resource that a number of species use for food and shelter. • Section 10.14 – Natural England is happy with this section but would like to add that woodland creation via natural	Policy DM17 focuses only on trees and woodland. However, clarification can be provided. Noted	Additional wording added at paragraph 10.8 to consider habitats supporting woodlands.

		regeneration can often have a higher success rate and also be more financially viable.		Additional wording added at 10.14.
		<p>Section 12: Natural England strongly support the recognition of the value of peatlands and the ambitions to protect and restore them. In light of our statutory purpose (see s.2 of the Natural Environment and Rural Communities Act 2006), Natural England do not support the principle of developing on restorable peat. We would like to see a clear message in the Natural Environment SPD that development on deep peat should be avoided to protect the West Pennine Moors SSSI and peatlands in general.</p> <ul style="list-style-type: none"> • Section 12.13 – It should be made clear that BNG cannot be used to fund improvements on notified features of the SSSI as listed on the site citation, however it can be used to fund the creation and improvement of other features within the SSSI. We recommend this is best discussed directly with Natural England. 	<p>In response to previous comments, the important and value of peatlands has been clarified in the SPD, with the clear message that development or disturbance of peat should be avoided.</p> <p>Noted</p>	<p>Changes already made – as detailed above.</p> <p>Additional clarification added at 12.14 / 12.15.</p>
		<p>Section 13: A note should be made on potential air quality impacts to the low nutrient habitats present in Blackburn and Darwen. Nitrogen pollution is a big issue for low nutrient habitats such as peatlands and species rich grasslands. It can unbalance the habitats with the promotion of weedy, more competitive species.</p>	Noted	Additional clarification provided at 13.4.
		<p>General: Appendix G – Both SSSI descriptions should be expanded on to give greater emphasis to the special interest features for each site.</p>	Noted.	No actions required.
16	United Utilities	We are supportive of the principle of preparing this document.	Noted	No actions required.

		<p>Section 7, 8, 10</p> <p>Within these Principles, we request that the SPD states that the planting of new trees / ecological mitigation / blue infrastructure should not be planted directly over water and wastewater assets or where excavation onto the asset would require removal of the planting / biodiversity / blue infrastructure. The design of a site can be critically determined by existing utility constraints. It is imperative that these are understood as soon as possible.</p> <p>Importantly, we would recommend that utility constraints are understood prior to acquiring a site or instructing any architect to commence design. The location of utilities on a site can be material to site design in terms of the layout of buildings, roads, landscaping, ecological mitigation, blue infrastructure, and the changing of any ground levels. We will not permit development over or in close proximity to our assets. Our assets will need to be afforded access for maintenance, repair and replacement and be fully considered in the design and masterplanning process for a site. This should include careful consideration of landscaping proposals in the vicinity of our assets and any changes in levels. The approach to any planting must have regard to the proximity to existing or proposed utility assets to ensure there is no impact on these assets such as root ingress. It is important to note the implications that can arise as a result of planting too close to utility services. This can result in root ingress, which in turn increases the risk of drainage system failure and increases flood risk. It will be important that applicants refer to our 'Standard Conditions for Works Adjacent to Pipelines' (a copy of which can be found on our website) and consult with us when implementing the delivery of landscaping proposals.</p>	<p>Noted</p>	<p>Additional wording added at 10.18.</p>
		<p>Section 11 (Summary)</p>	<p>Noted</p>	<p>Additional paragraphs inserted at 11.15 and 11.16.</p>

		<p>We request that this section includes reference to water efficiency in the construction of new buildings in accordance with DM Policy (DM03). This requires the construction of new dwellings to the optional higher water efficiency standard that is the equivalent of 110 litres per person per day. Alongside the requirement for new dwellings in Policy DM03, we request that the SPD also encourages efficient water use in non-residential development. We suggest the following wording: All major non-residential development is encouraged to incorporate water efficiency measures so that predicted per capita consumption does not exceed the levels set out in the applicable BREEAM 'Excellent' standard.'</p>		
		<p>As mentioned below, surface water should be managed as close to its source as possible. There are opportunities such as rainwater recycling, green roofs and water butts and we would encourage the LPA to embrace all water efficiency measures in the SPD. Modern design techniques can promote measures for water recycling to reduce the impact on infrastructure requirements.</p> <p><u>Mitigating Flood Risk and Drainage</u></p> <p>Within this section, we also request that your SPD includes the following principles insofar as they relate to our role as a water and wastewater undertaker:</p> <ul style="list-style-type: none"> • make space for water; • early consideration of the detail of drainage proposals (foul and surface water); and • things to consider when planning an extension / conversion. <p><Extensive guidance accompanies the response></p>	<p>Noted. UU have provided extensive guidance in relation to the three principles cited here. However, this is too extensive, detailed and specific for this SPD and guidance should be provided separately by UU. However, reference to the principles can be accommodated within the SPD.</p>	<p>Additional paragraph inserted at 11.26 to clarify the importance of 'making space for water', including drainage and design.</p>
		<p>12.0 Soils and Peatland In accordance with DM Policy 12 (DM12): Clean and Green Energy and DM Policy 28 (DM28): Development Affecting</p>	<p>This requirement is set through Policy DM28, and it is not considered necessary to repeat</p>	<p>Additional paragraph inserted at 12.19 to make reference to the</p>

	Watercourses, Bodies, and Catchment Land, we request that this section refers to the implications of development proposals on land used for water catchment purposes. Such proposals need to consider the impact on public water supply through a risk assessment and the identified and implementation of any necessary mitigation measures.	it. However, for clarity, reference is now made to it within the SPD.	requirements of policy DM28 regarding catchment land.
	13.0 Air Quality We request that this section refers to DM Policy 2 (DM02): Protecting Living and Working Environments. This applies the agent of change principle which can be material to the operation of our assets such as wastewater treatment works and other assets.	This section already refers to Policy DM02.	No actions required.
	Moving forward, we respectfully request that the Council continues to consult with UUW for all future planning documents.	Noted	No actions required.