

# Warrington Local Plan Examination

## Matters Statements

### MATTER 12 - WARRINGTON'S HISTORIC, CULTURAL, BUILT AND NATURAL ASSETS

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August 2022



## **MATTER 12 – WARRINGTON’S HISTORIC, CULTURAL, BUILT AND NATURAL ASSETS**

### **Issue**

**Whether the Local Plan is justified, effective and consistent with national policy in relation to the approach to the Borough’s historic, cultural, built and natural assets.**

(NB. Examination Library reference numbers are provided in brackets after each document referred to in the Matters Statement)

### **Relevant policies – DC1 to DC6**

### **Questions**

#### ***Warrington’s places (DC1)***

- 1. What is the relationship between provisions for the Town Centre in Policy DC1 and in Policy TC1? Do the provisions for Inner Warrington exclude the Town Centre?**
  - 1.1 Policy DC1 is intended to recognise the varied characteristics of different parts of the Borough, of which the Town Centre is an important part. The reference to the Town Centre in Policy DC1 is therefore expected to be complementary to the provisions of Policy TC1 which provides more specific details as to the policy requirements for development in the Town Centre. The Council accepts that a cross reference to Policy TC1 would provide clarity and will propose this as a minor modification to the Plan.
  - 1.2 The Town Centre has specific provisions as set out under Policy TC1. Some of these are the same as those set out for Inner Warrington under Policy DC1, but they reflect the potential for higher density development and a broader range of uses.
- 2. What is the nature and status of the Central Six Regeneration Masterplan?**
  - 2.1 The Central Six Regeneration Masterplan is a long term programme that aims to bring communities within the inner part of Warrington together to achieve a cleaner, greener, healthier area. The masterplan, whilst not a formally adopted planning document, covers a wide range of project areas from parks, housing, air quality and employment and is based on a fundamental principle of making sure the communities that live in the different areas are fully involved in the decisions and projects that happen there.
  - 2.2 A series of projects are now being delivered as part of the masterplan proposals.

**3. Will the Town Centre housing density requirements, as set out at Policy DEV1 point 5 a and b, impact on the ability to achieve the Policy DC1 point 2e. relating to improving the Inner Warrington housing offer to provide a range of tenures and types of dwellings?**

3.1 The Council considers that Policy DEV1 and Policy DC1 are compatible. Policy DC1 point 2e relates to Inner Warrington as opposed to the Town Centre. It is important that development in this location meets the specific needs of the area. A key finding of the sub-borough analysis contained in the Local Housing Need Assessment 2021 (H2) was that the housing offer in Inner Warrington is in need of improving in terms of the range of tenures and types of dwellings available.

**4. Will viability issues in Inner Warrington impact on the ability to achieve the requirement at Policy DC1 point 2f. to provide sufficient amounts and types of affordable housing in accordance with Policy DEV2 to meet specific local needs?**

4.1 The Local Plan Viability Assessment 2021 (V2) has demonstrated that in broad terms the level of affordable housing sought in Inner Warrington is viable and deliverable. As draft Policy DEV2 specifies, where an applicant/developer seeks to vary from this requirement, a detailed viability assessment will need to be presented to the Council at the planning application stage.

4.2 Given concerns raised around viability during consultation on the Updated PSVLP (2021), the Council has undertaken an addendum to its Local Plan Viability Assessment (V1) which demonstrates credible scenarios in more detail where affordable housing can be delivered in the Town Centre and in Inner Warrington.

4.3 The Council is therefore confident that the requirement at Policy DC1 point 2f will be met.

**5. Do provisions for Suburban Warrington provide a sufficient focus on the creation of a high-quality environment?**

5.1 The main thrust of the policy for Warrington's suburbs is to protect residential amenity and ensure new development is in keeping with its established surroundings. The policy seeks to provide broad strategic parameters and intentions for specific areas. Policy DC6, Quality of Place, deals more specifically with design and the creation of a high-quality environment.

**6. Does Policy DC1 protect and enhance the distinctive character of Warrington's places?**

6.1 The Council considers that Policy DC1 will protect and enhance the distinctive character of Warrington's places.

6.2 Policy DC1 recognises the varying nature and characteristics of the areas of Inner Warrington and Sub-urban Warrington, individual settlements, visitor attractions

and the importance of the surrounding countryside. The policy seeks to provide broad strategic parameters and intentions for these areas whilst allowing for more detailed local policies through the production of Neighbourhood Plans or masterplans.

**7 Is the relationship between the provisions of Policy DC1, points 8 to 10, and Policy GB1 sufficiently clear, particularly in relation to the release of Green Belt land at Policy DC1 point 9?**

7.1 The Council acknowledges that Point 9 is not clear in that it refers to the adopted Plan's settlement boundaries before they have been amendment. A main modification is therefore proposed to remove the second sentence of point 9 of the Policy. With this modification, the Council considers points 8 to 10 are sufficiently clear.

**8. Should the specific provisions for Warrington's visitor attractions include reference to biodiversity enhancements (at points 12, 15 and 19)?**

8.1 The Council does not consider that this is the right policy to set out specific requirements for biodiversity enhancements. Other policies, including DC3 and DC5, deal with biodiversity, and will be applied in respect of any development proposals relating to the identified visitor attractions in Policy DC1.

**9. Overall, is Policy DC1 effective, justified and consistent with national policy?**

9.1 The Council considers that Policy DC1 is effective, justified and consistent with national policy, as evidenced above, subject to the modification suggested in response to question 8.

***Historic environment (DC2)***

**10. Does Policy DC2 provide an appropriate framework for conserving and enhancing the historic environment which is consistent with national policy?**

10.1 Policy DC2 was written with the assistance of Historic England and is considered to be consistent with the requirements of national policy.

10.2 Points 1 to 3 set out the Council's proactive approach to conserving and enhancing the historic environment. This includes a commitment in Policy at points 3a and 3c and 3d to protect and enhance local heritage assets through the review and update to the Council's Local List; Produce new Conservation Area Appraisals and Management Plans; and Develop a positive strategy to safeguard the future of any heritage assets that are considered to be "at risk".

10.3 It is considered that Points 4 to 8 will provide an appropriate framework on which to guide the assessment of applications that affect Warrington's historic environment.

**11. Does Policy DC2 provide adequate protection for non-designated heritage assets, including historic designed landscapes?**

11.1 Yes. Non-designated historic designed landscapes fall within Part 2j. of the Policy.

**12. Are the tests set out at Policy DC2 point 4 relating to designated heritage assets consistent with the NPPF paragraphs 199 to 202?**

12.1 The Council has drafted this policy in close liaison with Historic England. It should also be noted that Historic England considered the Policy to be sound in their response to the Updated PSVLP (2021) consultation in 2021. As such, the Council is confident that point 4 is consistent with the NPPF.

**13. Overall, is Policy DC2 effective, justified and consistent with national policy?**

13.1 Yes. The Policy is considered to be effective, justified and consistent with national policy.

***Green infrastructure (DC3)***

**14. Does Policy DC3 provide an appropriate framework for conserving and enhancing the green infrastructure which is consistent with national policy?**

14.1 Paragraph 175 of the NPPF states that local planning authorities should set out a strategic approach to maintaining and enhancing networks of habitats and green infrastructure in their Local Plans, planning positively for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries and the planning practice guidance (Reference ID: 8-007-20190721) indicates that Local Plans should identify the strategic location of existing and proposed green infrastructure networks.

14.2 The Strategic Green Network/Links that traverse the Borough are of fundamental importance to the natural environment and character of Warrington and as such the spatial strategy seeks to reinforce this. Policy DC3 identifies what are considered to be the strategic green infrastructure assets within the borough and outlines a strategic approach to the care and management of the Borough's Green Infrastructure and seeks to conserve the Borough's assets as well as protecting the vital and wide ranging functions these assets perform.

14.3 The policy is therefore considered to provide an appropriate framework for conserving and enhancing the green infrastructure which is consistent with national policy.

**15. Does the plan meet the requirement of the NPPF paragraph 174 to protect and enhance valued landscapes?**

- 15.1 Paragraph 174(a) of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
- 15.2 As outlined above, Policy DC3 identifies what are considered to be the valued landscapes in the Borough. In addition, Policy DC4 sets out the formal designations active within the Borough and ranking these in order of their importance, in order to guide the degree of protection afforded to these designated sites.
- 15.3 Therefore, the Council considers that the Plan meets this requirement of the NPPF. However, the Council has confirmed that it will give consideration to the preparation of an SPD to provide additional detail on the Council's approach to green infrastructure and Warrington's ecological network.
- 16. Is the distinction between provisions for green infrastructure (Policy DC3) and open space and recreation provisions (Policy DC5) sufficiently clear? Should their provisions be separately identified on the Policy map?**

- 16.1 The Council acknowledges that the distinction between provisions for green infrastructure (Policy DC3) and open space and recreation provisions (Policy DC5) could be clearer on the Policy Map. As such the Council is proposing a modification to the key/legend of the Policy Map to clarify the designations.
- 16.2 The proposed modification is detailed at paragraph 33.1 below.

**17. Overall, will Policy DC3 be effective?**

- 17.1 Policy DC3 outlines a strategic approach to the care and management of the Borough's Green Infrastructure and seeks to conserve the Borough's assets as well as protecting the vital and wide ranging functions these assets perform. Therefore, overall the policy is considered to be effective, subject to the modification proposed.
- 17.2 The Council considers that the policy as currently written is effective. Nevertheless, the Council will consider the suggested detailed amendments to the Policy that were made in representations to the Updated PSVLP (2021) and following this may suggest 'minor modifications' to the text where these will improve clarity or are factual amendments.

***Ecological network (DC4)***

**18. Is the wording of Policy DC4 effective in ensuring the protection of biodiversity and geodiversity?**

- 18.1 The Council considers that the policy as currently written is sound and has confirmed that it will give consideration to the preparation of an SPD to provide additional

detail on the Council's approach to green infrastructure and Warrington's ecological network as outlined in response to Question 21 below.

**19. Should Policy DC4 requirements be strengthened to reflect the provisions of the Environment Act 2021?**

19.1 The Council acknowledges that the Policy could be strengthened to reflect the provisions of the Environment Act 2021. As such the Council is proposing a number of modifications to the wording of the policy to reflect the provisions of the Environment Act 2021. The proposed modifications are detailed at paragraph 33.3 below.

**20. Should Policy DC4 set out a requirement for all development to achieve a minimum 10% net biodiversity gain (NBG) ahead of legislation?**

20.1 National policy sets out that planning should provide biodiversity net gains where possible. Paragraphs 170(d), 174(b) and 175(d) of the NPPF refer to this policy requirement and the Natural Environment Planning Practice Guidance (PPG) provides further explanation on how this should be done.

20.2 In addition, paragraph 179(b) of the NPPF indicates that to protect and enhance biodiversity and geodiversity, plans should, amongst other things, identify and pursue opportunities for securing measurable net gains for biodiversity.

20.3 However, the NPPF does not specify what a measurable net gain would constitute. This will come through the Environment Act, which is not expected to become law until late 2023. Therefore, it is considered that there is unlikely to be a mandatory requirement to achieve a 10% net gain in biodiversity until sometime after the Plan is adopted.

20.4 In any event, the mandatory minimum 10% requirement, as set out in the Environment Act, will become law by amending the Town & Country Planning Act (TCPA). Therefore, it is not considered necessary to specify the 10% requirement in the policy.

**21. Could ecological networks and opportunity areas be more clearly identified/mapped out as a basis for a Local Nature Recovery Strategy in line with the Environment Act 2021?**

21.1 The Council acknowledges that ecological networks and opportunity areas could be more clearly identified/mapped out as a basis for a Local Nature Recovery Strategy (LNRS) in line with the Environment Act 2021.

21.2 Warrington Borough Council are part of the Cheshire & Warrington Local Nature Partnership (LNP). The LNP are in the early stages of the production of a Local Nature Recovery Strategy. A project team has been assembled and has commenced work on the collection and mapping of baseline data.

21.3 It is envisaged that the LNRS could provide the framework for biodiversity net gain delivery and be published as supplementary planning guidance by the individual local authorities. As stated in the response to question 19, the Council is proposing a number modifications to the wording of the policy to reflect the provisions of the Environment Act 2021.

**22. Are the provisions of Policy DC4 effective in comprehensively reflecting the Borough's ecological assets?**

22.1 Whilst sites of importance for their nature and geological value fall within the wider remit of 'Green Infrastructure', NPPF (paragraph 175) requires the specific identification of such sites and a distinct policy approach to ensure their protection as well as taking a strategic approach to maintaining and enhancing networks of habitats and green infrastructure. Policy DC4 responds to this by setting out the formal designations active within the Borough and ranking these in order of their importance, in order to guide the degree of protection afforded to these designated sites.

22.2 Therefore, it is considered that Policy DC4 is effective in comprehensively reflecting the Borough's ecological assets.

**23. Do Policy DC4 provisions at point 3. appropriately reflect national policy for the protection of the European sites?**

23.1 The Council considers that the provisions of Part 3 of Policy DC4 appropriately reflect national policy for the protection of European sites.

23.2 However, the Council acknowledge that it may now be better to refer to national legislation "The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019" rather than the EU Habitats Directive in line 2 of Part 3 of the policy. As such the Council is proposing a modification to the policy to clarify this.

23.3 The proposed modification is detailed at paragraph 33.2 below.

**24. Should Policy DC4 make reference to the importance of trees and soils in carbon capture and storage?**

24.1 Policy DC3 Part 5 (b) provides a specific reference to the role of Green infrastructure in terms of its function in mitigating the causes of and addressing the impacts of climate change. As such, the Council does not consider it necessary to make specific reference to the importance of trees in Policy DC4 and trees fall within the definition of Green Infrastructure. Clarification could be provided however in the supporting text and the Council will consider this as a potential 'minor modification'.

24.2 With regard to soils, the Borough's peat resource has been identified through the Council's Mineral Resource Study 2017 (M3). Policy ENV5 (Part 7) indicates that the borough's peat resource will be protected in line with national policy.

**25. Should Policy DC4 make provision for the protection of ancient woodland/ veteran trees?**

25.1 Parts 6 and 7 of Policy DC4 relates to development affecting protected and priority species and priority habitats. The policy makes specific reference to "irreplaceable habitats". The definition of an irreplaceable habitat in the glossary to the NPPF includes both ancient woodland and ancient and veteran trees.

25.2 Therefore, it is considered that the policy makes specific provision of the protection of ancient woodland and veteran trees.

**26. Overall, is Policy DC4 effective, justified and consistent with national policy?**

26.1 Yes, subject to the modification set out under question 33 below.

***Open space, sport and recreation provision (DC5)***

**27. Are the provisions in Policy DC5 for open space and recreation justified and consistent with national policy?**

27.1 Paragraph 92 of the NPPF advises that planning policies and decisions should aim to achieve healthy, inclusive and safe places which, amongst other things, enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, through the provision of a range of facilities, including safe and accessible green infrastructure, sports facilities and allotments.

27.2 Paragraph 93(a) of the NPPF advises that planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship).

27.3 Paragraph 98 of the NPPF states that "Access to a network of high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities" and that "planning policies should be based on robust and up-to-date assessments of the need for open space, sports and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision".

27.4 Whilst, paragraph 99 of the NPPF advises that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless specific criteria can be met to ensure that there is no shortfall in provision.

- 27.5 Sport England is generally supportive of Policy DC5 and its approach to protecting open space.
- 27.6 Policy DC5 provides a robust framework for decision making, ensuring existing open space provision that is of value to the local community is safeguarded. The Policy (Part 7) is aligned with paragraph 99 of the NPPF in that existing open space should not be built on unless development proposals meet the relevant exceptions. Therefore, it is considered that Policy DC5 is justified and consistent with national policy.

**28. Is the evidence base underpinning Policy DC5 up to date?**

- 28.1 The Council's Playing Pitch Strategy (PPS) (INF3) has been kept up to date, with assistance from Sport England. The 2018 Warrington PPS was formally adopted by the Council in June 2019. However, the original supply and demand data was predominately collated in 2016 and as such it was recognised that there was a need to refresh the Study in 2019. One of the key drivers for the update has been to have an added focus on disability and women/girls playing pitch sports to reflect the increase in demand in participation since the previous PPS. Further, a Local Football Facility Plan has also been prepared for the Borough which seeks to identify potential opportunities for new and improved football provision.
- 28.2 The Updated PPS has been prepared in line with paragraph 73 of the NPPF and in accordance with Sport England's 'Playing Pitch Strategy Guidance: an approach to developing and delivering a playing pitch strategy' to reflect current best practice for the analysis of provision of sports facilities. The Updated Playing Pitch Strategy (PPS) consists of two documents:
- The Warrington PPS Updated Assessment Report (Sept 2019) (INF4); and
  - The Warrington PPS Strategy & Action Plan (Jan 2020) (INF3).
- 28.3 The Warrington PPS Updated Assessment Report (Sept 2019) presents a supply and demand assessment of playing pitch facilities. It provides a clear picture of the balance between the local supply of, and demand for, playing pitches and other outdoor sports facilities. The Warrington PPS Strategy & Action Plan (Jan 2020) builds upon the preceding updated Assessment Report (September 2019) to provide a robust strategic framework for the maintenance and improvement of existing playing pitches and ancillary facilities, along with the provision of new playing pitches and ancillary facilities where required, to meet the needs of the existing and future population within the borough for the life of the current adopted Local Plan (the Local Plan Core Strategy) and the new emerging Local Plan which will cover the period 2021 to 2038.
- 28.4 It is acknowledged that other parts of the evidence base in respect of built sports facilities and open space are becoming dated. The Council has already commissioned a complete review of all its evidence base in respect of open space, sport and recreation provision. This work is currently underway and is expected to be completed by January 2023.

28.5 The Open Space, Sport and Recreation Analysis (OSSRA) is a suite of independent reports that will contain an: updated Open Space Audit (OSA); a further updated Playing Pitch Strategy (PPS) and an updated Indoor and Built Facility Strategic Needs Assessment (IBFA) and will ensure a robust evidence base for Section 106 developer contribution negotiations or as a basis for potential Community Infrastructure Levy investment.

**29. Do the provisions of Policy DC5 allow for consideration of viability matters, where appropriate?**

29.1 The Council undertook the preparation of a full revised Local Plan Viability Assessment 2021(V2 and V2a) in support the Updated PSVLP 2021 (SP1), which reviewed all infrastructure requirements and costs for each of the proposed allocations as well as assessing generic development typologies. Having undertaken this work the Council is confident that the necessary infrastructure, including open space provision, is capable of being delivered.

29.2 Following the conclusion of the consultation on the Updated PSVLP 2021, the Council has produced an addendum to its Local Plan Viability Assessment (V1 and V1a) which provides additional detail to demonstrate the viability of different types and sizes of development across the Borough, including those in the Town Centre and Inner Warrington.

29.3 Part 4 of Policy DC5 acknowledges that town centre sites may not be able to provide the full requirement of open space provision on site and that in such circumstances financial contributions towards off-site provision/enhancements to open space elsewhere in the Town Centre may be appropriate.

29.4 In addition, Policy INF5 in the Updated PSVLP (2021) ensures sufficient flexibility is included to allow for the viability of development proposals to be considered at the application stage where it can be clearly demonstrated, through a robust site-specific Financial Viability Assessment, that development would not be financially viable if full planning obligations were sought.

**30. Should Policy DC5 set out how size and quality requirements for open space and recreation provision should be identified/calculated?**

30.1 Part 4 of Policy DC5 recognises that only proposals for family housing will be expected to provide opportunities for equipped children's play provision and defines what is considered to constitute family accommodation.

30.2 It is the Council's view that the detail on the size and quality of all types of open space and recreation provision is most appropriately included in a Supplementary Planning Document. The Council's Planning Obligations SPD (SPD3) currently provides this information and will be updated to take account of the OSSRA when it is published.

30.3 The updated Open Space Assessment that forms part of the OSSRA, will provide a robust and up-to-date understanding of current open space provision in the Borough and will include the required standards for all new open space provision, which will be used to inform the updated Planning Obligations SPD.

**31. Should Policy DC5 have regard to the differences between delivering housing within the Town Centre, and other parts of the existing urban area, in terms of the implications for the nature of open space provision?**

31.1 Paragraph's 92 and 93 of the NPPF require planning policies to aim to achieve healthy, inclusive and safe places, and plan positively to provide the social, recreational and cultural facilities and services that communities need.

31.2 Whilst, paragraph 119 of the NPPF requires that planning policies and decisions promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. In addition, paragraph 125 requires that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site, and amongst other things should, should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate.

31.3 The Council's Spatial Strategy is seeking to balance these competing requirements by looking to maximise densities in the town centre of Warrington, where there are opportunities to allow/support taller buildings. However, the Council recognises that not all types of residential development will generate the same demand or place additional pressure on certain types of open space in the Borough and that achieving higher densities is not compatible with the provision of open space in accordance with the Council's on-site open space standards.

31.4 The Council's Town Centre SPD is seeking to achieve a more strategic provision of open space in and around the town centre and improvements to the quality of the public realm. Where it has not been possible to meet the Council's on-site open space standards and other applicable provisions for amenity and play space, developments will be expected to make contributions via s106 funding to off-site improvements.

31.5 Therefore, it is considered appropriate for Policy DC5 to have regard to the differences of delivering housing within the Town Centre and other parts of the Borough.

**32. Overall, is Policy DC5 effective?**

32.1 The Council consider that overall, Policy DC5 is effective.

### ***Quality of place (DC6)***

#### **33. Is Policy DC6 effective, justified and consistent with national policy?**

33.1 Yes, the Council considers Policy DC6 is justified, effective and consistent with national policy in ensuring that good design practice is followed in-line with the NPPF guidance in chapter 12 'Achieving well-designed places'. Following the NPPF guidance, the policy is clear about design expectations and how these will be tested. The policy is written to ensure early engagement of applicants in accordance with the NPPF and requires applicants to understand the distinctive nature of Warrington and its places. The reference to the need to use 'Places Matter' design reviews for significant and sensitive schemes in the supporting text reflects the importance that the Council puts on design and meeting government guidance and community expectations.

#### **34. Should Policy DC6 address fire safety matters?**

34.1 Fire safety for individual developments is regularised by national legislative processes including those within Building Regulations and provided for under Gateway One in relation to tall buildings (associated with the Development Management Process). The Local Planning Authority will continue to consult appropriately on relevant applications and consultee responses will be material in the determination of applications. The Council does not therefore consider there is the need for any modification to the Policy in this regard.

#### **35. Should Policy DC6 clarify measures relating to energy efficiency?**

35.1 Promoting energy efficient of new development a priority for the Local Plan and the policy is worded to reflect this. Given the additional studies and guidance coming forward nationally and locally it is considered more appropriate to clarify and strengthen the policy through appropriate SPD guidance.

35.2 The Council is committed to working with the Warrington Climate Emergency Commission (WCEC) to produce additional planning guidance in respect of promoting energy efficiency and low carbon technologies. This will be done through an update to the Council's Design and Construction Supplementary Planning Document (SPD).

#### **36. With reference to Policy DC6 point 6., in what circumstances does the Council expect masterplans and design codes to be prepared for development sites?**

36.1 The policy should be read in conjunction with paragraph 132 of the NPPF which states that 'design quality should be considered throughout the evolution and assessment of individual proposals'.

- 36.2 The policy indicates that these will be considered for larger sites and areas, particularly urban extensions. The requirement for a master plan/development framework has been indicated in the site allocation policies, where necessary, and may be required on other sites as the result of pre-application discussions with the Council's Development Management Team as sites come forward for planning permission.

### ***Main modifications***

#### **37. Are any main modifications to the above policies necessary for soundness?**

- 37.1 The Council acknowledges that Point 9 is not clear in that it refers to the adopted Plan's settlement boundaries before they have been amendment. A main modification is therefore proposed to remove the second sentence of Point 9 of the Policy. With this modification, the Council considers points 8 to 10 are sufficiently clear.

9. Appropriate and sustainable development will be directed to the settlements on varying scales reflecting existing services and infrastructure. ~~Outside of the existing settlement boundaries, some new development will be accommodated through release of Green Belt.~~

- 37.2 The Council acknowledges that that the distinction between provisions for green infrastructure (Policy DC3) and open space and recreation provisions (Policy DC5) could be clearer on the Policy Map. As such the Council is proposing the following modification:

Revisions to the Key/Legend to sub-divide the designations in to separate categories so that it is clear which designations relate to Policy DC3 and which to DC5. In addition the opportunity will be taken to more clearly identify other sub-groups of policies such as those relating to the residential and employment allocations; the historic environment etc.

- 37.3 The Council acknowledges that the policy could be strengthened to reflect the provisions of the Environment Act 2021. As such the Council is proposing the following modification to Part 1 and Part 2 of Policy DC4:

1. The Council will work with partners to **protect**, conserve **and** restore ~~and enhance~~ biodiversity ~~and~~ secure a measurable net gain for biodiversity and enhance public access to nature across the Plan area. These efforts will be guided by ~~the principles set out in the National Planning Policy Framework, and those which underpin the strategic approach to the care and management of the Borough's Green Infrastructure in its widest sense contained in~~ Policy DC3 **and the Local Nature Recovery Strategy**.

2. Sites and areas that make up the Borough's ecological network and are recognised for their nature and geological value are shown on the Policies Map and include:

- a. European Sites of International Importance
- b. Sites of Special Scientific Interest
- c. Regionally Important Geological Sites
- d. Local Nature Reserves
- e. Local Wildlife Sites
- f. Wildlife Corridors/Nature Improvement Areas
- g. irreplaceable, protected and priority habitats**
- h. ecological stepping stones and restoration areas, and**
- i. other areas identified in the Borough's Local Nature Recovery Strategy**

37.4 The Council acknowledges that it would now be better to refer to national legislation rather than the EU Habitats Directive. As such the Council is proposing the following modifications to Part 3 of Policy DC4:

- 3. Proposals for development which may affect European Sites of International Importance will be subject to the most rigorous examination in accordance with the ~~Habitats Directive~~ **Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.**