

## Fylde Local Plan Examination

### Matter 8

#### The Environment

#### Hearing Statement

On behalf of Oyston Estates

## 1.0 INTRODUCTION

- 1.1 Cassidy + Ashton are retained by Oyston Estates [OE] in respect to a number of sites within Fylde Borough including Whyndyke Garden Village, the largest development site within the Borough.
- 1.2 In respect to the Local Plan, OE are promoting the allocation of additional land at Lytham St Annes, the identified most sustainable settlement within the Borough.
- 1.3 Comments made should be read in conjunction with our previous submissions to the Local Plan process, in particular in respect to the Submission Version of the Local Plan.
- 1.4 The format of this statement follows the Inspector's own Matters Issues and Questions dated 15<sup>th</sup> May 2017.

### Matter 8 – The Environment

**Issue 12 – Does the Plan set out a positively prepared strategy for the preservation and enhancement of the environment (natural, built and historic); the management of water and flood risk; and the promotion of renewable and low carbon energy generation within Fylde that is justified, effective and consistent with national policy?**

#### Policies ENV1 – ENV2 – Landscape and Biodiversity

40. Are policies ENV1 and ENV2 consistent with paragraphs 113 and 114 of the Framework?

It is important for robustness that the local plan policies reflect the hierarchy of designations established by national planning guidance. Although this is less critical for landscape as there are no national designations within the Borough [other than those related to heritage – Historic Parks and Gardens], it is crucial for the determination of applications that may impact upon sites of ecological interest.

Policy ENV2 should recognise that more weight is given to national designations and less to local designations. Where no impact is found to occur [as evidenced recently with the grant

of planning permission on the former Valentine's Kennels site which was the Lytham Copse BHS], the policy should recognise that it is acceptable for planning permission to be granted.

- 41. Paragraph 14.6 states that the Council intends to prepare a valued Landscapes SPD to accompany Policy ENV1. Have valued landscape areas already been defined? If so are they justified and based on robust evidence. Should they be set out in policy rather than an SPD?**

OE has no comments to make on this matter, although it is not convinced that this is a necessary use of Council resources.

#### **Policy ENV3 – Existing Open Space**

- 42. It has been suggested that Policy ENV3 should also refer to the protection of open space in the countryside. Is this justified?**

OE has no comments to make on this matter.

- 43. Is the purpose of ENV3a and ENV3e the same? Can the Council clarify what ENV3b is trying to achieve as it is not entirely clear?**

- 44. Is the policy justified and consistent with national policy?**

#### **Policy ENV4 – New Open Space**

- 45. The policy includes minimum standards for the provision of amenity open space. Are these justified and based on robust and up-to-date evidence?**

OE has no comments to make on this matter.

- 46. Sites of 100 houses or more are required to provide double the minimum standards. Is this justified and based on credible up-to-date evidence? Has the impact on the viability of development been taken into consideration?**

The requirement for double minimum standards for sites of 100 houses or more seems arbitrary and unjustified, and may lead to sites being artificially held under 100 units in order to avoid the need for additional open space. Larger sites generally have far greater infrastructure and other requirements which impact upon viability. The provision of double normal standards is therefore a further constraint upon viability and ultimately deliverability.

Open space should be provided at a set standard, regardless of the capacity of the site.

#### **Policy ENV5 – Historic Environment**

- 47. Does the policy set out a positive strategy for the conservation and enhancement of the historic environment in accordance with national policy?**

OE has no comments to make on this matter.

- 48. Is the policy consistent with paragraphs 132-134 of the Framework which includes making a distinction between substantial and less than substantial harm to the significance of a designated heritage asset?**

OE has no comments to make on this matter.

49. Under the section titled ‘Locally important heritage assets’ reference is made to development only being permitted in exceptional circumstances. Is this consistent with paragraph 135 of the Framework in relation to the significance of non-designated heritage assets?

OE has no comments to make on this matter.

50. Does the policy promote development within Conservation Areas and within the setting of heritage assets which would enhance or better reveal their significance in accordance with paragraph 137 of the Framework?

OE has no comments to make on this matter.

#### Policies CL1-CL3 – Water Management, Flooding and Renewable and Low Carbon Energy Generation

51. Are the provisions set out in Policy CL1 justified and consistent with national policy?

OE has no comments to make on this matter.

52. Does Policy CL2 apply to all new development? Is this justified? Is the provision of agreed discharge rates as part of any pre-application negotiations justified? Does the policy require developers to provide drainage measures beyond what is necessary for the site?

OE has no comments to make on this matter.

53. In relation to Policy CL3:

- a. Does the policy provide a positive strategy for renewable and low carbon energy generation in accordance with national policy?

OE has no comments to make on this matter.

- b. Is the exclusion of onshore wind energy from Policy CL3 justified and consistent with national policy?

OE has no comments to make on this matter.

- c. Is criterion f consistent with the Framework in regards to taking account of any public benefits of renewable and low carbon energy proposals?

OE has no comments to make on this matter.

- d. Is the penultimate paragraph of the policy consistent with the Framework in its reference to Green Belt? Should this refer to very special circumstances in this context?

OE has no comments to make on this matter.

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