

8: NATURE CONSERVATION, TREES AND WOODLAND

POLICY N 1

Nationally Designated Nature Conservation Sites

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Aggregate Industries	13	2	O	
Greater Manchester Ecology Unit	335	347	S	
OBJ NO	SUMMARY OF OBJECTION			
2	Concern about the extent of the Site of Biological Importance encircling Buckton Vale Quarry.			
347	Welcomes the firm commitment provided by this policy.			

8.1.1 This policy was deleted from the revised deposit version of the plan and replaced with policies N1a and N1b. The objection to this policy is identical to that made to policy N2 and is dealt with below.

POLICY N 2

Locally Designated Nature Conservation Sites

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Aggregate Industries	13	3	O	
English Nature	277	215	S	
Mr M F Creathorn	919	637	S (rd)	
English Nature	277	661	S (rd)	
Mrs M Smethurst	927	699	S (rd)	
OBJ NO	SUMMARY OF OBJECTION			
3	Object to the extent of the Site of Biological Importance encircling Buckton Vale Quarry.			
215	Support the approach on local sites, although would wish these to be distinguished on the map.			
637	Addition to the policy gives local nature reserves the protection from development they deserve.			
661	Support the inclusion of local nature reserves within this policy and the protection given.			
699	Supports new section of policy which will give local nature reserves much needed added protection.			

Main Issue

8.2.1 Whether the Site of Biological Importance around Buckton Quarry should be reduced in area.

Conclusions

- 8.2.2 SBI are areas surveyed and identified by the Greater Manchester Ecological Unit because of their ecological value. I understand the Council has little input in the process and cannot arbitrarily reduce the extent of a designated area. The SBI around Buckton Quarry is a long standing designation which is identified in the adopted UDP and cannot be changed as part of the UDP process.
- 8.2.3 The purpose of policy N2 is to set out the Council's position in relation to development affecting a SBI. Any development proposed at the quarry which affects the SBI will be determined in accord with all relevant policies in the plan including those which seek the protection of mineral resources and the supply of aggregate minerals. Given the above I conclude that the plan should not be modified as a result of this objection.

Recommendation

- 8.2.4 I recommend no modification to the plan as a result of this objection.

POLICY N 5

Trees Within Development Sites

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Roland Bardsley Homes	658	57	O	
OBJ NO	SUMMARY OF OBJECTION			
57	The policy implies that trees of limited value should always be retained. Planting replacement trees may often be a better solution.			

Main Issue

- 8.3.1 Whether the policy should apply only to trees of significant value and be permissive of replacement planting

Conclusions

- 8.3.2 The objection was made to the deposit draft version of the policy which was amended at the revised deposit stage. The policy now refers in the first sentence to trees of *significant* value and is in this respect clearer in its intent. The criteria in the policy cover various matters to be taken into account in determining planning applications. They seek to avoid unnecessary damage to trees, to allow for the successful retention of trees and to make adequate provision for replacement planting. It seems to me that this policy firmly sets out the Council's attitude to trees and the considerations that will be taken into account when looking at development proposals.
- 8.3.3 Whilst it is inevitable there may be occasions where mature trees need to be felled in order to accommodate a development it is up to the decision maker to determine whether the needs of the development should come before the interests of the trees. To permit such a concession within the policy itself would to my mind devalue its purpose. I see no reason why a presumption in favour of retaining trees of significance which have been identified in an arboricultural impact assessment should lead to non-objective decisions.

Recommendation

8.3.4 I recommend no modification to the plan as a result of this objection.

POLICY N 6

Protection and Enhancement of Waterside Areas

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
Redrow Homes (North West) Ltd	643	480	O	
English Nature	277	220	S	
Environment Agency	279	239	S	
English Nature	277	664	S (rd)	
OBJ NO	SUMMARY OF OBJECTION			
480	The policy is too specific to be applicable to all waterside developments.			
220	Particularly support the encouragement given to the provision of new habitats.			
239	Support the principle of the policy where it promotes or protects Environment Agency interests.			
664	Support the encouragement given to the provision of new habitats.			

Main Issue

8.4.1 Whether the policy should be amended to permit the protection of appropriate watercourses only.

Conclusions

8.4.2 It is inevitable that criteria based policies will apply a blanket approach to certain types of development. Nevertheless such policies are advocated by national policy guidance in PPG12 as a means of simplifying plans and providing flexibility. With regard to policy N6 the Council say and, in principle, I agree that it is important to prevent situations where development next to watercourses results in unattractive and inaccessible sections of waterside.

8.4.3 The policy as written does not preclude any form of development next to a watercourse but sets out a checklist that development will be tested against. It is not dogmatic but includes phrases such as *where appropriate*. It seeks generally to ensure that development takes proper account of waterside locations and retains and if possible enhances the environment of such locations. It does not preclude each application being treated on its merits but sets out an appropriate policy background against which to test development proposals. I consider it to be acceptable in its present form.

Recommendation

8.4.4 I recommend no modification to the plan as a result of this objection.

NON POLICY SPECIFIC OBJECTION

Nature Conservation, Trees and Woodland

NAME OF ORGANISATION OR INDIVIDUAL	OBJ'R	OBJ NO	O or S	C WDR
English Nature	277	227	O	
OBJ NO	SUMMARY OF OBJECTION			
214	The plan should include a policy encouraging management of landscape features important for flora and fauna.			

Main Issue

- 8.5.1 Whether the changes incorporated into the revised deposit draft plan address the objection satisfactorily.

Conclusions

- 8.5.2 The Council agree in principle with this objection and have expanded policy OL10 (Landscape Quality and Character) in the revised deposit plan. It now says that the landscape quality of the Borough including features which are of importance for wild flora and fauna will be conserved and enhanced through woodland, landscape and nature conservation strategies and in consultation with landowners.
- 8.5.3 Whilst the addition to the plan is not as detailed as that suggested by English Nature, to my mind it is satisfactory to meet the requirements of regulation 37 of the Conservation (Natural Habitats &c) Regulations 1994 (the Habitats Regulations) which say that development plans should include policies encouraging the management of features of the landscape which are important for wild flora and fauna. In reaching this conclusion I have been mindful of the strategies which the Council intend to produce which I would expect to expand on the matters referred to in the policy itself: and also other policies within the UDP which seek to conserve and enhance nature conservation interests. Finally I do not believe it is necessary to add developers to land owners and farm tenants as ultimately it is the landowner, be it developer or not, who has control of the land.

Recommendation

- 8.5.6 I recommend no modification to the plan as a result of this objection.