



**Haweswater Aqueduct Resilience Programme - Proposed Marl Hill
Section**

Environmental Statement

Volume 2

Chapter 5: Planning Policy and context

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5. Planning Policy and Context

5.1 Introduction

- 1) This chapter describes the planning policy framework relevant to the Proposed Marl Hill Section. Section 38(6) of the Planning and Compulsory Purchase Act 2004¹ requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) (2019) provides the strategic guide for Planning Policy in England and Wales, and thus local planning policy should conform with this.
- 2) The Proposed Marl Hill Section is located within the administrative boundary of Ribble Valley Borough Council (as shown in Figures 1.1. and 1.2). It is therefore the local planning authority (LPA) with responsibility for determining the planning applications for the Proposed Marl Hill Section.
- 3) In addition, Lancashire County Council is the 'upper-tier' authority for Ribble Valley Borough Council and thus is the Minerals and Waste Planning Authority in the area. It is also the Highway Authority and Lead Local Flood Authority and is therefore a key statutory consultee in relation to those elements of the development.
- 4) The Proposed Marl Hill Section also lies within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). Although there is no separate planning authority for AONBs, there are provisions that guide proposed development within the AONB and the Forest of Bowland AONB Partnership would therefore be a key consultee.
- 5) United Utilities has been working closely with these LPAs and other stakeholders, such as Natural England and the Environment Agency, as part of a Planning Performance Agreement (PPA) / service agreement approach, whereby United Utilities pays for their associated advice, to assist pre-application consultations concerning the land use planning aspects of the development and the wider Proposed Programme of Works.
- 6) Section 5.2 of this chapter sets out national planning policy, and Section 5.3 to Section 5.6 then set out local planning policy. The chapter is supported by ES Appendix 5.1: Planning Policy Reference Document which lists the individual national and local planning policies relevant to the Proposed Marl Hill Section and identifies which ES topics they relate to.

5.2 National Planning Policy

5.2.1 National Planning Policy Framework (NPPF)

- 7) The Government published the revised NPPF in July 2018 and added minor updates in February 2019. It sets out the Government's strategic overview of planning policies for England and how they are expected to be applied in Local Plan making and is therefore a material consideration in planning decisions (NPPF paragraph 2).
- 8) The NPPF sets out a 'presumption in favour of sustainable development', which means LPAs should approve development without delay where it accords with the development plan and in cases where there are no relevant development plan policies or the development plan is out of date, granting planning permission unless:
 - i. *'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*
- 9) Paragraph 8 of the NPPF sets out that there are three overarching objectives to achieving sustainable development; economic objective; social objective; and environmental objective. The economic

¹ <https://www.legislation.gov.uk/ukpga/2004/5/contents>

objective refers to building a strong, responsive, competitive economy, including the provision of 'infrastructure'. The social objective includes the creation of a well-designed and safe built environment. The environmental objective is the contribution to protecting and enhancing all natural, built and historic environments, improving biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change, including moving to a low carbon economy.

- 10) Of particular relevance to the parts of the Proposed Marl Hill Section within the AONB is paragraph 172 of the NPPF which states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues'

- 11) Paragraph 172 of the NPPF also contains the Government's policy that major development should not take place in National Parks save in exceptional circumstances. Paragraph 172 states:

'The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development⁵⁵ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*

5.2.2 Planning Practice Guidance (PPG)

- 12) The Department for Communities and Local Government (DCLG) established a web-based online resource in March 2014, which gives planning guidance for a number of different topics. Matters addressed include air quality, climate change, conserving and enhancing the historic environment, design, environmental impact assessment, flood risk and coastal change, health and well-being, land contamination, land stability, light pollution, natural environment, noise, planning obligations, water supply, and waste water and water quality.

- 13) Of particular relevance to the Proposed Programme of Works, regarding 'Planning for water infrastructure', the PPG states:

'When identifying sites it is important to recognise that water and wastewater infrastructure can have specified locational needs (and often consists of engineering works rather than new buildings). This means exceptionally otherwise protected areas may have to be considered, where this is consistent with their designation'²

5.3 Ribble Valley Borough Council

- 14) Ribble Valley Borough Council is the local planning authority for Ribble Valley and is responsible for making planning decisions on proposed developments within the Borough.

5.3.1 Development Plan Documents

- 15) The Development Plan for Ribble Valley Borough Council comprises:

- Core Strategy (2014)³
- Housing and Economic Development DPD (2019)⁴.

² <http://planningguidance.communities.gov.uk> Reference ID: 34-005-20140306. Accessed May 2021

³ https://www.ribblevalley.gov.uk/info/200364/planning_policy/1428/adopted_core_strategy

⁴ https://www.ribblevalley.gov.uk/info/200364/planning_policy/1674/housing_and_economic_development_dpd_hed_dpd

5.4 Lancashire County Council

- 16) Lancashire County Council is responsible for Minerals and Waste planning across Lancashire and it is also the Local Highway Authority and Lead Local Flood Authority for all but two of the 14 district/borough councils in Lancashire (Blackburn & Darwen Borough Council and Blackpool Council).

5.4.1 Development Plan

- 17) The Proposed Marl Hill Section is not a minerals or waste development, however, as the Proposed Bowland Section has the potential to give rise to both waste and minerals considerations, the corresponding policies from Lancashire County Council's development plan are considered relevant. The development plan for minerals and waste planning in Lancashire is the Joint Minerals and Waste Local Plan⁵. The plan includes a Core Strategy, a Site Allocations and Development Control Policies document and a Policies Map.

5.5 Emerging Policy

- 18) Lancashire County Council is currently undertaking a review of the Minerals and Waste Local Plan. A consultation on the scope of the review was carried out in November and December 2014 followed by a consultation on the first draft in September to November 2018.

5.6 Forest of Bowland AONB

- 19) Forest of Bowland was designated in 1964 as an AONB to conserve and enhance its natural beauty. The AONB is managed by a partnership of landowners, farmers, voluntary organisations, wildlife groups, recreation groups, local councils and government agencies. Representatives from these groups (which includes United Utilities) sit on the Forest of Bowland AONB Joint Advisory Committee (JAC).

5.6.1 Management Plan

- 20) Management plans for AONBs do not form part of the statutory development plan, but do help to set out the strategic context for development. They are however a material consideration when assessing planning applications.
- 21) The Forest of Bowland AONB JAC assist in the delivery of the AONB Management Plan and the current Forest of Bowland AONB Management Plan consists of a policy framework for the area for a period of 2019-2024.

5.6.2 Additional Documents

- 22) In addition to the Forest of Bowland AONB Management Plan, there is a Landscape Character Assessment Report⁶ which was published September 2009 by the Forest of Bowland AONB JAC. The assessment identifies, maps and describes 82 Landscape Character Areas within Forest Bowland AONB and provides a framework to help meet its future management needs.

⁵ <https://www.lancashire.gov.uk/council/planning/local-planning-policy-for-minerals-and-waste/>

⁶ <https://www.forestofbowland.com/Landscape-Character-Assessment>