

## **The Nature Conservation Supplementary Planning Guidance**

<b>Item for Decision:</b>	To approve Supplementary Planning Guidance: The Natural Environment
<b>Contributors</b>	Chief Executive
<b>Contact Officer</b>	Richard Henshaw, Forward Plans Team Leader
<b>Financial Implications:</b>	None
<b>Council Priorities:</b>	<a href="#">ENV1</a>
<b>Recommendations:</b>	<b>It is RECOMMENDED that Members approve The Natural Environment Supplementary Planning Guidance</b>

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### **1. Applicable Lead Member Area**

1.1 Environment

### **2. Crime and Disorder – Section 17 Implications**

2.1 There are no Section 17 implications.

### **3. Equalities Implications**

3.1 There are no equalities implications associated with this report.

### **4. Risk Implications**

4.1 There are no risk implications associated with this report.

### **5. Introduction**

5.1 With the consent of your Chairman, officers have conducted a public consultation exercise in respect of a draft guidance note on Nature Conservation and the Planning Process in East Dorset.

5.2 Legislation and advice regarding nature conservation and the planning process is contained in a significant number of different documents. This advice document aims to provide a brief overview and identify the principal elements of the current legislation and advice, particularly as they impact upon the development process in East Dorset.

5.3 It is intended that the advice note will be used, when dealing with planning proposals, to ensure that the Council's duties and commitments to protect nature conservation interests throughout the District are met and the numerous benefits to both wildlife and local people that follow from a rich natural environment are safeguarded by providing both local residents and developers intending to make a planning application with:

- background information, identifying the habitats and species of note in the District and the legislation and policy which protects them;

- a clear indication of how the Council will deal with the nature conservation aspects of planning applications;
- Practical information on what wildlife-related information should be included with planning submissions in East Dorset District.

## 6. Consultations

- 6.1 The following organisations were consulted: Dorset County Council; Cranborne Chase and West Wiltshire Downs AONB Team; Parish and Town Councils; Dorset Wildlife Trust; Dorset Biodiversity Officers Group; Herpetological Conservation Trust; Home Builders Federation; RSPB; CPRE; major landowners and adjoining local authorities. The document was also placed on the EDDC webpage for wider public comment. The consultation period ran from 30 September to the 30 November 2008.
- 6.2 Responses were received from the Vale of Allen Parish Council and the Cranborne Chase and West Wiltshire Downs AONB management team.
- 6.3 The Vale of Allen Parish Council expressed broad agreement with the principles set out in the document.
- 6.4 The AONB Team made the following observations:
- (i) Introductory section should provide a context for nature conservation in relation to all the other aspects that have to be considered in the natural historic and cultural environments in which we live, explaining the interrelationship of Natural England, English Heritage and other environmental organisations.
  - (ii) The document should be cross linked to the recently approved landscape appraisal document and also contain thumbnail descriptions of the character areas.
  - (iii) Page 11, Section C should clarify that all sites mentioned are non-statutory
  - (iv) Page 20, Principle 4 should be split into two separate principles of enhancing existing and creating new environments.
  - (v) Page 23, Principles 5 and 6, should also explicitly refer to habitat creation.
  - (vi) Page 31, Local nature reserves, should emphasise educational use and raises a concern in respect of non statutory sites.
  - (vii) Page 36, give RSS higher profile.
  - (viii) Page 45, list sites by size rather than alphabetically.
  - (ix) Add RSS, landscape appraisal and AONB Management plan documents to documents listed in Appendix L on page 73.
- 6.5 Dorset Wildlife Trust made the following observations:
- (i) 1. Paragraph 1.2, Heathland - pleased to see the recognition that acid grassland is one of the rarest and most threatened habitats in Dorset.
  - (ii) 2. Paragraphs 1.49-50, Sites of Nature Conservation Interest (SNCIs) are selected for their county importance for wildlife. Paragraph 1.49 refers to them as of “local” interest and “District-wide” importance. It is vital in the context of planning applications

and policy to correct this, as PPS9 requires an appropriate weighting to be given to these sites, so it must be seen that they are of importance beyond the district as well as within it. Though PPS9 refers to “Local Sites”, this is in the context of national and international.

- (iii) 3. There is a need to resolve the ongoing issue of the process for ensuring that SNCIs are recognised in the local planning process as quickly as possible after they are selected. The 2002 boundaries and site list will be out of date and it is not adequate to rely on giving appropriate weight to the presence of “species of nature conservation importance” – welcome as this where species do occur, SNCIs do not always support species interests as they are selected for their habitats. East Dorset is the only Dorset Local Authority which does not recognise that the SNCI Panel has the final say on site selection and SNCI boundaries and apply the same policies to newly selected sites as to existing sites. The Trust has asked for a meeting to discuss this issue.
- (iv) 4. Paragraph 1.52, Local Nature Reserves, the Trust noted the treatment of LNRs as a material consideration in the planning process. LNRs can also of course be SSSI, SNCI or any other designation, but the fact that the sites have the LNR designation vastly increases their importance for the community in terms of access and enjoyment of nature and this should be taken into account.
- (v) 5. Paragraph 1.55, Planning application consultation framework, it would be very helpful if EDDC could commit to consulting DWT on applications affecting those SNCIs which EDDC is treating as “proposed” as well as those shown on the Local Plan map.
- (vi) 6. Paragraph 1.63, A cross-reference here to Section 2 regarding survey and the ecological checklist would be helpful.
- (vii) 7. Paragraphs 1.65-70, Advice and Assistance, the Dorset Environmental Records Centre (DERC) should be the first point of contact for ecological data, and so paragraph 1.69 should be moved to come before 1.67 and 1.68. A weblink to the Dorset Environmental Consultants list should also be inserted to paragraph 1.70 <http://www.dorsetforyou.com/index.jsp?articleid=351404> .
- (viii) 8. Paragraph 1.76, Water Vole are now fully protected under the Wildlife and Countryside Act and should be included in paragraph 1.73.
- (ix) 9. Paragraph 1.79, Badger, the second sentence should be added to, to say “licences are required for activities which would cause such disturbance”.
- (x) 10. Part 2 , Section E – development affecting sites without a nature conservation designation
- (xi) Though obviously there has to be a cut-off when this document is published, there are new nature conservation initiatives on the horizon through the Regional Spatial Strategy requiring action through LDFs. These include the Nature Map, contribution to Biodiversity Targets (both policy ENV4) and Green Infrastructure

(policy GI1). We would suggest that reference is made to the RSS and to these policies somewhere in the document.

- (xii) 11. Paragraph 2.11, the end of the third bullet needs to be altered to say “expert advice must be taken” – the law requires an applicant to consult Natural England whenever a proposal affects a bat roost.

## 7. Proposed Amendments

7.1 In respect of the AONB Team comments above it is considered that:

- (i) The introduction be amended to include ‘East Dorset is blessed with a rich natural environment that is the result of a number of influences including geology, climate and past and present human activity’.

However the document is intended to explain how the planning process is affected by nature conservation within East Dorset, the wider context and the roles of government agencies have already been addressed by a number of central government documents notably ‘Working with the grain of Nature’- the biodiversity strategy for England; the Biodiversity Implementation Plan for the South West; Circular 06/2005 and PPS9.

- (ii) The following is added to the introduction; ‘The landscapes that underpin these habitats have been examined and characterised in the Council’s guidance document ‘East Dorset Landscape Character Assessment’ published in 2008’.

- (iii) No change should be made. Those sites that are non statutory are indicated within the text, Sites designated under the National Parks and Access to the Countryside Act have a statutory status, distinction is made with other types of LNR established by other organisations.

- (iv) There is a significant commonality in the works required to enhance or provide new habitats, however to reflect this and encompass both, it is therefore suggested that Principle 4 be renamed ‘Provide New Benefits’.

- (v) This aspect is referred to in both Principles, no change should be made.

- (vi) This aspect is referred to in paragraph 1.38 and no change should be made.

- (vii) Paragraph 1.6 on page 36 should be amended as follows to reflect the current position;

‘The South West Regional Assembly (SWRA) submitted its Draft Regional Spatial Strategy (RSS) for the South West 2006 – 2026 to the Government Office of the South West in 2006. The Strategy will also have regard to regional biodiversity and geological conservation and policies for protecting and enhancing the Region’s natural and historic environment are contained within Chapter 7.

The draft RSS was subject to independent testing at an Examination in Public (EiP) held in 2007. The EiP Panel's report was published on 10 January 2008. The Secretary of State's proposed changes to the draft RSS have been published for consultation and the results of that process are expected in 2009. Once approved the proposals

and policies of the RSS will inform those of the District Council's new Local Development Framework (LDF) currently in the course of preparation (see below)

- (viii) No change be made.
- (ix) To update the appendix by ensuring that the references made are current and adding the Council's Landscape Character Assessment, the Cranborne Chase etc AONB management Plan and the Natural England report 'State of the Natural environment 2008'.

7.2 In respect of the DWT comments above the following are recommended:

- (i) 1. No change required.
- (ii) 2. Amend by adding to paragraphs 1.48 and 1.49 that 'PPS9 indicates that such sites have a fundamental role to play in meeting national biodiversity targets. The importance of such sites is currently reflected in the saved Structure and Local Plan Policies E and NCON3 respectively'.
- (iii) 3. Paragraph 1.49 reflects the current position as taken by the Council. However, the Trust's concerns are noted and the LDF process may offer the opportunity to review the current situation. However the advice document should reflect the current position.
- (iv) 4. Noted. No change required.
- (v) 5. It is understood that the Trust are consulted where any SNCI site is likely to be affected by planning proposals. However paragraph 1.55 should be amended to read 'the Council will consult the appropriate body where notified sites are affected by a planning application'.
- (vi) 6. Include cross reference.
- (vii) 7. Adjust order of paragraphs and include the weblink.
- (viii) 8. Include Water Vole in paragraph 1.73.
- (ix) 9. Amend paragraph 1.79 as suggested.
- (x) 10. Reference will be made as indicated in response to AONB Team comments.
- (xi) 11. Amend paragraph 2.11 as suggested.

7.3 Other amendments suggested to maintain the currency of the document are as follows:

7.4 Appendix B, paragraphs 1.7; 1.8 and 1.9 on page 36 also require amendment to reflect the current position with regard to saved policies and the preparation of the LDF as follows;

7.5 Appendix B, para 1.7 'The Bournemouth, Dorset and Poole Structure Plan (2001) provided strategic, county-wide policies which highlighted the importance of wildlife sites of international and national significance and protected species and habitat. Its Environment Policy E as now 'saved' (see below) seeks to maintain and enhance the biodiversity of the county by aiming to re-create 500 hectares of lowland heath. The Structure Plan policies as 'saved' (see below) will remain extant until the approval of the Regional Spatial Strategy (RSS).'

- 7.6 Appendix B, para 1.8 'The East Dorset Local Plan (2002) contained policies for the protection and enhancement of the natural environment. The Plan considered economic, social and environmental priorities for the area to provide a balanced framework to achieve sustainable development at the local level
- 7.7 Local Plans are now going through a transitional phase whereby local planning authorities have been able to 'save' selected policies for an initial three-year period until they are replaced by new policies in the Local Development Framework (LDF) (see below), references made to East Dorset Local Plan policies in this document relate to those saved policies.'
- 7.8 Appendix B para 1.9 'Planning Policy Statement 9 (para. 16) expects that local authorities will take an integrated approach to planning for biodiversity and geodiversity when preparing their new local development documents which, as indicated above, will eventually replace the current local plan system. Policies in local development documents are also expected to reflect, and be consistent with, national, regional and local biodiversity priorities and objectives.
- 7.9 Local Development Frameworks will also indicate the location of designated sites of importance for biodiversity and geodiversity, making clear distinctions between the hierarchy of international, national, regional and locally designated sites; and identify any areas or sites for the restoration or creation of new priority habitats which contribute to regional targets, and support this restoration or creation through appropriate policies.
- 7.10 East Dorset District Council is, at the time of this document's approval, currently preparing its core strategy document which will determine the policies in relation to nature conservation. Progress in the preparation of the documents and policies that will make up the LDF can be followed on the Council's web pages on the 'dorsetforyou' website.
- 7.11 In addition to the need to have regard to the national, regional and county policies outlined above, East Dorset District Council also has a further statutory duty (National Parks and Access to the Countryside Act 1949; Countryside and Rights of Way Act 2000) to improve the physical environment and maintain and enhance the natural beauty and amenity of the land.'
- 7.12 Other minor changes to text and dates are required to maintain the currency of the document.

## **8. Recommendation**

- 8.1 It is recommended that the advice document, amended as indicated above, be approved for publication and use as informal planning guidance.

## **9. Appendices**

- 9.1 Appendix 1 - The Natural Environment Supplementary Planning Guidance (***Copy available for reference in the Members Room***)

## **10. Background Papers**

- 10.1 Published works.