

SUPPLEMENTARY PLANNING GUIDANCE – BIODIVERSITY

Report By: Head of Planning Services

Wards Affected **County-wide**

Purpose

1. a) To consider the representations made in relation to the draft Biodiversity SPG
- b) To agree amendments to the draft SPG
- c) To adopt the amended SPG as interim policy guidance pending the eventual adoption of the Unitary Development Plan

Financial Implications

2. a) Future printing costs of the revised adopted document.
 - b) Costs of providing training in the use of the LCA, particularly to Development Control Officers
- It is anticipated that these can be met from existing budget provisions.

Background

3. In September 2002, the Council published draft Supplementary Planning Guidance (SPG) on Biodiversity as one of a series of SPG documents associated with the Unitary Development Plan. SPG is intended to provide complementary guidance to the development plan, elaborating UDP policies in more detail than is possible in the Plan itself and offering more specific guidance to planning applicants, prospective developers, land managers and others.
4. The Biodiversity SPG was one of a number of drafts issued for consultation at the same time as the Deposit Draft UDP. The responses received have therefore been taken into account in the proposed changes to both the UDP Biodiversity policies and the SPG itself. A report on the proposed SPG changes has had to await completion of the proposed changes to the UDP, which were approved by the Council on 5th March 2004. It is important that the SPG is adopted under the existing development plan system before the commencement of the relevant provisions under the new Planning and Compulsory Purchase Act. Otherwise, it will come under new provisions relating to Supplementary Planning Documents (SPD) and considerable delay may be incurred in securing adoption.
5. Once the proposed changes to the SPG have been approved, it is planned that the document will be published as 'interim' policy guidance. This interim status is firstly because the UDP landscape policies could be subject to further changes following the consultation on the Revised Deposit UDP and the subsequent Public Inquiry procedure, and secondly because the commencement of the new Planning Act will change the framework within which development planning and supplementary planning guidance operate.

Some uncertainties may therefore remain about the final form and content of the SPG/SPD during this period of transition.

Contents of the Biodiversity SPG

6. The Biodiversity SPG is both a reference for assessing the impact of development and a guide to conserving the biodiversity and geodiversity within the landscape.
7. As a reference work, the SPG outlines the legally protected habitats/species and identifies the Biodiversity Action Plan (BAP) priorities within the County. It defines the broad status of the wildlife resource in relation to protective designations. Detail in biodiversity assessment is more exacting in both field survey and IT recording of data. The current implementation of the Herefordshire Biodiversity Partnership (2000) Biodiversity Action Plan represents a significant step in this direction and its review alongside the UDP and Biodiversity SPG will further the actions of both national and county Biodiversity Action Plans. The establishment of a Local Records Centre, which includes a depository for the County's biological records, will concentrate the efforts of ecologists and planners in developing compatible information systems for planning guidance and will provide a centralised database, for the effective audit and management of biodiversity information within the County.
8. Guidelines for conserving biodiversity and geodiversity are provided within the Biodiversity SPG in the context of the Natural and Historic Heritage section of the UDP review, statutory constraints and legislative developments as well as some practical suggestions for creating wildlife habitats and enhancing biodiversity within different developments.
9. The Biodiversity SPG seeks to stress the importance of local developments and partnerships in addressing the national (and international) need to conserve biodiversity whilst also promoting the distinctive character of the County's natural areas. The content of the SPG gives emphasis to the need to ensure development does not conflict with the Council's policies on sustainable development. The SPG Biodiversity will aid the promotion of the use of Ecological Impact Assessment as part of the development control process. Through its guidance it will increase awareness of the value of biodiversity as an indicator of 'quality of life' in line with the Government's Sustainable Development Policies and ensure that future development does not cause a net loss of the County's biodiversity resource. It is intended to be accessible to anyone who requires information about the Council's policy and practice in conserving biodiversity within the landscape.

Overall Response to the Consultation

10. The consultation paralleled that undertaken for the Deposit Draft UDP, running from September to December 2002. Comments on the Biodiversity SPG were received from 14 organisations or individuals, and a total of 78 individual comments were made. These have been summarised in tabular form, together with an officer response. See Appendix A: Schedule of Comments, Appendix B: Schedule of Revisions and Appendix C: Table of guidance to the necessity for ecological survey and appraisal.

11. Comments received can be broadly divided into four areas:
- (a) 9 of the organisations were strongly supportive of the SPG Biodiversity
 - (b) 56 Comments were received with suggestions for minor additions, rewording, typographical errors
 - (c) Two comments received recommending major changes in format of sections the Biodiversity SPG but these were considered unnecessary; one other questioning the extent of the ecological appraisals necessary
 - (d) Five comments pertained to the UDP, RGP.

Summary of Proposed Changes to the SPG

12. Changes are proposed as a result of representations relating to minor additions, rewordings, typographical errors of the SPG Biodiversity Draft 2002 referred to in 8 (b) (and detailed in the tabled addendum) as a result of consultation should be implemented.
13. Major changes in format of the SPG Biodiversity Draft 2002 referred to in 8 © are not proposed because of the compromise which would result in the format and integrity of the guidance.
14. The post-consultation modifications for NC1 to NC9 of the Natural and Historic Heritage section of the UDP should be substituted in the SPG Biodiversity Draft 2002.
15. More cross-referencing should be added for technical handbooks concerning nature conservation enhancement in developments e.g. "The Habitat Creation Handbook for the Minerals Industry. (2003).
16. A specific reference 5.3.7 (page 21) should be added referring to the specific guidelines contained in SPG Re-use and Adaptation of Traditional Rural Buildings in relation to types of development in Table 5 of SPG Biodiversity.
17. An appendix (Appendix C attached) should be added displaying a Table of guidance to the necessity for ecological survey and appraisal should be added.

RECOMMENDATIONS

THAT:

- (a) **the volume and content of the comments received on the consultation be noted and welcomed**
- (b) **the changes proposed by officers to the SPG be approved,**
- (c) **the revised SPG Biodiversity be published as interim guidance, pending adoption of the Unitary Development Plan.**
- (d) **the revised Biodiversity SPG be adopted and published as interim guidance, pending adoption of the Unitary Development Plan.**

BACKGROUND PAPERS

Herefordshire Unitary Development Plan – Revised Deposit Draft. Herefordshire Council, May 2004.

Supplementary Planning Guidance – Biodiversity. Herefordshire Council, September 2002.

Further information on the subject of this report is available from Robert Widdicombe, Ecologist on (01432) 260128, or Peter Russell, Senior Forward Planning Officer on (01432) 260166.