



PORTFOLIO HOLDER DECISION NOTICE

INDIVIDUAL DECISION BY THE PORTFOLIO HOLDER FOR PLANNING

TOPIC – DRAFT PLANNING POLICY STATEMENT 9: BIODIVERSITY AND GEOLOGICAL CONSERVATION

PROCEDURAL INFORMATION

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the City Secretary and Solicitor, the Chief Executive and the Director of Finance are consulted together with Chairman and Vice Chairman of the Principal Scrutiny Committee and all Members of the relevant Performance Improvement Committee.

Five or more of these consulted Members can require that the matter be referred to Cabinet for determination.

Contact Officers:

Case Officer: Vivienne Fifield: 01962 848419

Committee Administrator: Colin Veal: 01962 848438

SUMMARY

The Office of the Deputy Prime Minister has issued a draft PPS9: Biodiversity and Geological Conservation and consulted on the proposals within this for comment by 09 December 2004.

The draft PPS9 sets out the Government's broad policy objectives in relation to biodiversity and geological conservation in England and its proposed planning policies, which will help to deliver these objectives, in line with its review and reform of national planning policy guidance.

The Government's Proposals

Most of the policies in the draft PPS are in line with PPG9: Nature Conservation, updated as necessary. They will reflect the statutory obligations for nature conservation with a clearer focus on the need to conserve, enhance and restore diversity.

Most of the background information, contextual and non-planning material, statutory requirements and implementation guidance will be omitted from the PPS. A circular and good practice guidance will be published separately and a draft consultation copy of the guidance has been circulated with the draft PPS9. Guidance will assist in the development of local plan policies, in making planning decisions and in understanding statutory obligations.

The Government's Objectives

The broad aim is that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible.

To achieve this aim, the Government's objectives are:

- a) **To promote sustainable development** – by ensuring that biodiversity is conserved and enhanced as an integral part of economic development.
- b) **To conserve enhance and restore the diversity of England's wildlife and geology** – by sustaining, and where possible improving, the quality and extent of natural habitat and geological sites, the natural processes and species which they support.
- c) **To contribute to an urban renaissance** – by enhancing biodiversity in green spaces and new developments so that they are valued, contribute to a better quality of life and sense of well being.
- d) **To contribute to rural renewal** – by ensuring that developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment.

Key Principles

A summary of the draft key principles; to which planning authorities should adhere, to ensure that the potential impact of planning decisions on biodiversity and geological conservation are fully considered; is set out below.

- a) Plan policies and planning decisions should seek to maintain and enhance or add to biodiversity and geological conservation and be based on up-to-date information about the environmental characteristics of their areas. The draft PPS now places a greater emphasis on this and the need to assess and keep biodiversity and geological resources under review.
- b) As with PPG9, where proposed development may cause significant harmful effects, local planning authorities will need to be satisfied that any reasonable alternative sites, which would result in less or no harm, have been considered. Where adverse impact cannot be avoided appropriate mitigation must be put in place before consent is granted. Compensation must be sought where harm cannot be prevented or mitigated.
- c) A new emphasis is put on development policies promoting opportunities for the incorporation of beneficial biodiversity and geological features within the design of the development.

Sites of Biodiversity and Geological Conservation Value

In addition to designated sites which are statutorily protected at an international and national level (e.g. SSSIs, Sites of Special Scientific Interest). The draft PPS recognises the importance of regional and local sites (e.g. SINCs, Sites of Importance for Nature Conservation) and the fundamental role they play in meeting national as well as local biodiversity targets. Criteria based policies should be established against which to assess the impact of development proposals.

Ancient Woodland and Veteran Trees

Local planning authorities should identify areas of ancient woodland and veteran trees, which do not have statutory protection and encourage the protection of such trees. Their importance and vulnerability is recognised and authorities are asked to ensure their conservation within development proposals, unless the benefits of the proposals outweigh the loss of this habitat.

Under current legislation, trees cannot be afforded Tree Preservation Order protection on the grounds of wildlife habitat alone, (3.2 – Tree Preservation Orders, A Guide to the Law and Good Practice), thus this situation may need to be addressed in the legislation and guidance.

Networks of Natural Habitats

Local Authorities should seek to conserve important habitats and seek to enhance and extend them and to address the problem of fragmentation and isolation, by identifying networks of natural habitats and introducing policies to protect them, as well as seeking opportunities within development for new links.

There is no provision in the WDLP Revised Deposit for this but this could become the subject of future work.

RESOURCE IMPLICATIONS:

The City Council is currently dependent on English Nature, Hampshire County Council, and Hampshire Wildlife Trust (HWT) to comment on the impact of planning applications. Hampshire Biodiversity Information Centre, with whom we currently have a service level agreement, provides biological data. The City Council does not currently employ an Ecologist to provide professional advice and to actively engage in the promotion and implementation of biodiversity delivery within the District. A draft Biodiversity Action Plan has just been prepared by HWT on our behalf and financed by the Planning Department. This document has gone out to consultation and will be the subject of a separate report.

BACKGROUND DOCUMENTS:

Consultation on Planning Policy Statement 9: Biodiversity and Geological Conservation Sept 2004

Draft Government Circular: Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system.

Working with the grain of nature – a biodiversity for England (Defra 2002)

Government's Planning Green Paper – "Planning – delivering a fundamental change" (December 2001).

DECISION

That an officer holding response as set out below be endorsed as the City Council's response on the draft PPS9.

- a) Winchester City Council welcomes the opportunity to comment on the Draft PPS9: Biodiversity and Geological Conservation.
- b) The Council welcomes the updated document and the increased emphasis on the importance of Biodiversity and Geological Conservation within the planning system and the recognition given to this importance at all levels from international to local and irrespective of size.
- c) The Council supports the objectives and key principles to enhance biodiversity and welcomes the supportive guidance.
- d) The Council would like to draw attention to the fact that the current TPO legislation states that a preservation order cannot be made on the grounds of wildlife habitat alone (Tree Preservation Orders, A Guide to the Law and Good Practice, 3.2) and would ask for consideration to be given to changing the TPO guidance and /or legislation, so that wildlife habitat can be a principal criteria when justifying the need for a TPO to be made.

REASON FOR THE DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

The City Council's Corporate Strategy mentions the Green Agenda – required through planning conditions, sustainable transport plans, landscaping and environmental improvements. The revised PPS9 does strengthen the ability of Winchester City Council to deliver this key priority.

FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE

None

DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED

None

DISPENSATION GRANTED BY THE STANDARDS COMMITTEE

N/A

Approved by: (signature)

Date of Decision

Councillor Beveridge – Portfolio Holder for Planning