

Report To: Planning Committee

Date of Meeting: 20th April 2016

Lead Member / Officer: Cllr David Smith /
Angela Loftus, Strategic Planning and Housing Manager

Report Author: Karsten Brußk

Title: **Draft Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity – Consultation document**

1. What is the report about?

- 1.1 This report is accompanied by the draft Supplementary Planning Guidance (SPG) note on conservation and enhancement of biodiversity. Officers request approval to start an 8 week public consultation period with members of the public, statutory consultees, and natural environment interest groups.

2. What is the reason for making this report?

- 2.1 A decision is required on the matter of public consultation on the draft SPG to progress towards document adoption. The Welsh Government (WG) has confirmed that following public consultation and subsequent Local Planning Authority (LPA) document adoption, SPGs can be treated as a material planning consideration when LPAs, the WG and Planning Inspectors determine planning applications or appeals.

3. What are the Recommendations?

- 3.1 That Members approve the enclosed draft SPG document 'Conservation and Enhancement of Biodiversity', Appendix I, to be subject to public consultation over a minimum of eight weeks.

4. Report details

- 4.1 When the Denbighshire Local Development Plan 2006 -2021 (LDP) was adopted in June 2013, the Council resolved to carry forward all adopted SPGs for use as planning guidance in relation to the LDP policies. It was also agreed that a review of every SPG would be carried out as soon as practicable following Plan adoption. If adopted, the new guidance note will supplement LDP Policy VOE 5 'Conservation of natural resources' and replaces the previous Denbighshire Unitary Development Plan 1996 - 2011 document no.18 'Nature Conservation and Species Protection' from 2003.
- 4.2 Biodiversity is a material consideration in the formal planning system, irrespective of the fact that the affected habitats or species benefits from any statutory protection. Planning permission could be refused if significant harm resulting from the development cannot be avoided, adequately mitigated or compensated for. The

failure to supply requested information and ecological surveys to the Council, which are required to determine the planning application, will result in refusal of planning permission.

- 4.3 The proposed SPG outlines the Council's expectations with regard to the biodiversity information to be submitted with a planning application, scope and standards of submitted ecological surveys; and briefly points out potential additional legal duties on developers as a result of obtaining planning consent. Prospective applicants are supported by outlining all required documentation from the outset, rather than asking for them at a later stage in the decision-making process.
- 4.4 The public consultation period would be a minimum of 8 weeks and is anticipated to start in May 2016. All City, Town and Community Councils will be consulted along with people registered on the LDP database. Hard copies of all consultation documents will be available in all libraries and one stop shops as well as on the Denbighshire County Council website.
- 4.5 Representations, comments and views expressed during the consultation period will be reported back to the LDP Steering Group; prior to seeking document adoption from Planning Committee later in the year.

5. How does the decision contribute to the Corporate Priorities?

- 5.1 Corporate Priorities 2012 – 17. The site development brief will contribute positively to the following corporate priorities:
 - *Modernising the Council* to deliver efficiencies and improve services for our customers by ensuring that planning guidance documents are up to date.

6. What will it cost and how will it affect other services?

- 6.1 Approving the draft SPG document to be subject of a consultation exercise with statutory bodies and the public is not anticipated to create any additional costs. The Development Management team will benefit from document adoption in supplying our customers with all necessary information on biodiversity compliance prior to applying for planning permission, and, hence, improving the determination process.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

- 7.1 The Equality Impact Assessment screening exercise concluded that a (full) EqIA is not required. The completed EqIA template is attached to this report as Appendix II.

8. What consultations have been carried out with Scrutiny and others?

- 8.1 No formal consultation has been carried out yet but officers from the Planning Policy, Development Management and the County Ecologists were involved in drafting the SPG document. A workshop session were held with members of the LDP Steering Group in October 2015 and in March 2016.

9. Chief Finance Officer Statement

- 9.1 Agreeing the draft SPG 'Conservation and Enhancement of Biodiversity' is not anticipated to create any additional cost. If any costs arise these will need to be contained within existing revenue budgets for the service.

10. What risks are there and is there anything we can do to reduce them?

- 10.1 In the absence of up-to-date guidance there is a risk that the Council will be unable to provide accurate planning advice to its customers regarding development proposals likely to adversely affect the natural environment.

11. Power to make the Decision

- 11.1 Planning & Compulsory Purchase Act (2004).