

Report To: Planning Committee

Date of Meeting: 27th July 2016

Lead Member / Officer: Cllr David Smith, Public Realm/
Angela Loftus, Strategic Planning & Housing Manager

Report Author: Karsten Brußk, Planning Officer

Title: **Conservation & Enhancement of Biodiversity
Supplementary Planning Guidance – adoption of final
document**

1. What is the report about?

- 1.1 The report informs Members of outcomes from the 8 week public consultation exercise on the draft Supplementary Planning Guidance (SPG) note: 'Conservation and Enhancement of Biodiversity', and recommends adoption in line with proposed document amendments.

2. What is the reason for making this report?

- 2.1 Strategic Planning & Housing carried out an 8 week public consultation between the beginning of May 2016 and the end of June 2016. Representations and comments received on the draft document were reported to the LDP Members Steering Group meeting on 20th July 2016. Hence, a decision is required on the proposal to adopt the draft SPG.

3. What are the Recommendations?

- 3.1 That Members adopt the draft SPG document 'Conservation and Enhancement of Biodiversity' attached as Appendix 1, in line with proposed amendments as outlined in the Consultation Report, attached as Appendix 2.

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 whether 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 SPG was subject to public consultation for 8 weeks between 3rd May 2016 and 30th June 2016. A consultation report detailing the results of the consultation and responses received is attached as Appendix II to this report.
- 4.5 The Council received 8 representations in total from interest bodies, e.g. Campaign for the Protection of Rural Wales (CPRW) and AONB) and members of the public. No changes were proposed to the document but clarification was sought with regard to draft SPG Appendix 5 paragraph 5.6 on the meaning of high/ poor quality farmland.
- 4.6 Officers discussed consultation responses with Members of the LDP Steering Group on 20th July 2016.

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 Adopting the SPG document 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 content of the draft Site Development Brief was screened for likely adverse effects on the eight protected characteristics and the screening report was attached to the report to Planning Committee 17th June 2015. Since all proposed changes to the draft SPG are of minor factual or editorial character, it is not considered to be necessary to conduct a full EqIA for this document. An updated version of the EqIA is attached as Appendix 3.

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

- 8.1 Consultation with Scrutiny was not required at this stage but officers from the Planning Policy, Development Management and the County Ecologists were involved in drafting the SPG document. Workshop sessions were held with members of the LDP Steering Group in October 2015 and in March 2016.
- 8.2. The Council consulted with statutory consultees, including all City, Town and Community Councils and members of the public on the draft document for a period of 8 weeks between 3rd May 2016 and 30th June 2016.

9. Chief Finance Officer Statement

Adopting the SPG document is not anticipated to create any additional cost. If any arise these will need to be contained within existing service revenue budgets

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).