



CABINET REPORT

Report Title	Adoption of the Biodiversity Supplementary Planning Document (SPD) for Northamptonshire
---------------------	--

AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	13 September 2017
Key Decision:	No
Within Policy:	Yes
Policy Document:	Yes
Directorate:	Regeneration, Enterprise & Planning
Accountable Cabinet Member:	Councillor Tim Hadland
Ward(s)	All Wards

1. Purpose

- 1.1 The purpose of this report is to recommend the adoption of the Biodiversity Supplementary Planning Document (SPD) for Northamptonshire (Appendix 1). The SPD has been jointly prepared by all the constituent authorities in Northamptonshire. The project was led by Northamptonshire County Council and has involved working closely with the Wildlife Trust and Natural England.
- 1.2 It provides a standard approach to be followed for all planning applications. It has been written for applicants but with consideration for and feedback from case officers.
- 1.3 Consultation took place between 9 February and 23 March 2015. All responses received were assessed and where relevant incorporated into the final SPD. A summary of responses is appended to this Report (Appendix 2).

2. Recommendations

- 2.1 It is recommended that Cabinet adopt the Biodiversity SPD as a statutory Supplementary Planning Document.

3. Issues and Choices

3.1 Report Background

- 3.1.1 Biodiversity refers to the number, variety and variability of living organisms. It is a key aspect of sustainable development. Every Local Authority has a statutory duty to have regard to the purpose of conserving biodiversity under the Natural Environment and Rural Communities Act 2006.
- 3.1.2 This Duty is addressed in part by including nature conservation policies in the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (Adopted 2014) (WNJCS), the Central Area Action Plan (Adopted 2013 (CAAP) and those anticipated for inclusion in the developing Northampton Local Plan (Part 2). The SPD supplements these policies; it describes how biodiversity should be incorporated into the planning process to ensure that policy and legislative requirements are met and best practice standards are achieved. It provides a standard approach to be followed for all planning applications and is to be used together with expert ecological assessment of the details of each specific application.
- 3.1.3 The SPD has been jointly prepared by the constituent authorities of Northamptonshire and has been led by Northamptonshire County council. It has involved close working with the Wildlife Trust and Natural England.

3.2 Issues

- 3.2.1 The SPD outlines the process for identifying biodiversity features which could impact on an application site. It guides the user through the practicalities of applying the mitigation hierarchy to first avoid, mitigate, and then compensate for biodiversity impacts. It includes a more robust, step-by step biodiversity checklist to assist applicants when filling out planning application forms (Appendix 1 in the SPD). This checklist is to be used by applicants to detect features that could be at risk and identify any surveys required.
- 3.2.2 All Northamptonshire authorities have adopted the SPD or are considering it. It is being used to inform the development management process. It provides a material consideration where development proposals are refused should significant harm to an asset be identified and cannot be avoided, mitigated or compensated against.

3.3 Choices (Options)

- 3.3.1 **Option 1 [recommended]: Adopt the Biodiversity SPD as a statutory Supplementary Planning Document.**
- 3.3.2 Adoption of the SPD will support the Council in its statutory duty to have regard to the purpose of conserving biodiversity in accordance with the Natural Environment and Rural Communities Act (2006).
- 3.3.3 The SPD will provide a valuable tool for the Council and developers to aid decision making that ensures biodiversity is duly considered in the

determination of development applications. It does this by explaining how biodiversity should be integrated into the development process to ensure that legislation and policy requirements are met and best practice standards are achieved. It offers a standardised approach for all applicants to follow which will support Development Management Officers in the exercise of their functions.

3.3.4 Option 2: Not approving the adoption of the Biodiversity SPD as a statutory Supplementary Planning Document

3.3.5 This will mean a reliance on strategic and national policy which is broad in nature. Not utilising a locally developed tool and information source as part of the development management process could mean locally distinctive biodiversity assets are overlooked during an ecological assessment. This could leave the council in breach of its statutory duty to have regard to the purpose of conserving biodiversity.

3.3.6 Not using this widely adopted tool will result in an inconsistent approach towards the protection and / or conservation of biodiversity across Northamptonshire.

4. Implications (including financial implications)

4.1 Policy

4.1.1 The SPD supplements the following WNJCS Policies: S10: Sustainable Development Principles; BN1: Green Infrastructure Connections; BN2: Biodiversity; BN4: Upper Nene Valley Gravel Pits SPA; and BN8: River Nene Strategic River Corridor. It also supplements the WNJCS policies for the Sustainable Urban Extensions (Policies N3 to N9A).

4.1.2 In addition to the WNJCS policies the SPD supplements the CAAP policies 4: Green Infrastructure and 25: The Waterside.

4.1.3 The SPD will be a material consideration in the determination of planning applications.

4.2 Resources and Risk

4.2.1 There are no resource or financial implications arising from the proposed recommendation of this report.

4.3 Legal

4.3.1 Supplementary Planning Documents are prepared under the 2004 Planning and Compulsory Purchase Act and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (Statutory Instrument 2012 No. 767).

4.3.2 Identified within Northampton are Sites of Special Scientific Interest, the Upper Nene Valley Gravel Pits Special Protection Area (SPA)/ Ramsar site and other statutory wildlife sites such as Local Nature Reserves all of which

are legally protected by the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'). The Biodiversity SPD has been prepared to fulfil the statutory duties to protect and enhance biodiversity under the Natural Environment and Rural Communities Act 2006.

4.4 Equality and Health

- 4.4.1 There are no equality and / or diversity implications arising from the proposed recommendation of this report. A Community Impact Assessment has been carried out.

4.5 Consultees (Internal and External)

- 4.5.1 A full and public consultation took place for six weeks on the on the draft SPD from 9 February and 23 March 2015. All responses were received and analysed by the county council who coordinated the process. A total of 12 organisations and individuals responded with 76 separate comments on the SPD. A full schedule of responses and comments is included as Appendix 2 to this Report.
- 4.5.2 Following the consultation there have been a few minor alterations for clarity as well as the addition of: a contents page for improved navigation, hyperlinks to websites and glossary pages, and illustrations to show best practice through 'photo case studies'.

4.6 How the Proposals deliver Priority Outcomes

- 4.6.1 Now that the document has been subject to statutory consultation and finalised, the document can be adopted by the Council. Once adopted, this SPD will set out our procedures and methods for engagement in plan making and on planning applications.
- 4.6.2 It contributes to our Priorities with particular reference to Business Development priorities regarding Partnership Working.

4.7 Other Implications

- 4.7.1 NA

5. Background Papers

- 5.1 Appendix 1: Biodiversity Supplementary Planning Document for Northamptonshire and Annexes
- 5.2 Appendix 2: Schedule of responses to the public consultation

Ian Gray
Director of Regeneration, Enterprise and Planning
X 8531