

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 110

Brighton & Hove City Council

Subject:	Nature Conservation and Development Supplementary Planning Document (SPD)		
Date of Meeting:	25 March 2010		
Report of:	Director of Environment		
Contact Officer:	Name:	Matthew Thomas	Tel: 29-2371
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Key Decision:	Yes	Forward Plan No: ENV15165	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The report sets out the results of consultation undertaken on the draft Nature Conservation and Development Supplementary Planning Document ("SPD"), seeks approval of the changes made and recommends adoption of the SPD. The Summary of the public consultation is attached in Appendix 1, responses to the consultation are attached as Appendix 2 and the draft SPD is attached as Appendix 3.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member notes the results of the public consultation exercise and endorses the changes made to the Nature Conservation and Development SPD.
- 2.2 That the Nature Conservation and Development SPD be adopted as part of the Local Development Framework, subject to any minor grammatical and non-material text and illustrative alterations agreed by the Director of Environment in consultation with the Cabinet Member for Environment.
- 2.3 That the Nature Conservation and Development SPD takes effect on 1 April 2010.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Supplementary Planning Documents help to ensure development control policies are delivered effectively. They provide further detail to existing policy to avoid ambiguity and to promote the swift and consistent determination of planning applications.
- 3.2 This SPD on Nature Conservation and Development is one of a series produced by Brighton & Hove City Council. It forms a part of the Local Development Framework (LDF) and is intended to expand upon policies in the Core Strategy and other Development Plan Documents (DPD). The SPD also interprets

national and regional policy (chiefly Planning Policy Statement 9 on Biodiversity and Geological Conservation).

- 3.3 The SPD provides a clear, sequential process for developers to follow to ensure planning policy on biodiversity is achieved. It introduces 4 steps, from an initial assessment of a potential development site, through to the aftercare of biodiversity post-development. This standard approach promotes the smooth running of the application process by ensuring the nature conservation implications of development are predictable and workable and that only relevant development proposals are affected. The SPD also includes a range of good practice case studies.
- 3.4 Detailed annexes include a list of notable habitats and species found in Brighton and Hove, a summary of legislation and policy relating to biodiversity, a 'hazard prevention checklist' for biodiversity on development sites and a comprehensive list of useful contacts and further advice.
- 3.5 The SPD has undergone extensive consultation in four stages since 2005. The first three stages are summarised in Appendix 1. The final stage involved a 6 week period of consultation during July and August 2009. This included a planner's workshop to ensure the emerging document was suitable for use by development control officers. Twenty-four development control officers, policy planners and validation officers attended the workshop and 9 other written representations were received.
- 3.6 Both the Environment Agency and Natural England are fully supportive of the SPD. Some of the other respondents favoured stronger measures to conserve wildlife, but these were contrary to national and regional planning policy and so could not be included. One member of the public was critical of the detailed content of the SPD but did not object to publication of the document in principle.
- 3.7 On completion of the 2009 consultation, the following main amendments have been made to the draft SPD (these are detailed in Appendix 2 to this Report):
 - Annex 3 (the Biodiversity Checklist) and Annex 6 (Calculating Developer Contributions and New Nature Conservation Benefits) have been simplified to make them quicker and easier to use. The intention is not to implement the developer contributions element of Annex 6 during the current period of economic uncertainty.
 - More clarity has been provided to distinguish between entirely new nature conservation features and features created to compensate for those lost during a development.
 - A disclaimer is now included to make clear that the council takes no responsibility for work carried out by the ecological consultants referred to in Annex 4.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications arising from the recommendations contained within this report.

Finance Officer consulted: Patrick Rice

Date: 08/08/08

Legal Implications:

- 5.2 The formal consultation on the draft SPD complied with regulations 17 and 18 of the Town and Country Planning (Local Development) (England) Regulations 2004. The Sustainability Appraisal, which accompanies the draft SPD, complies with Section 39 of the Planning and Compulsory Purchase Act 2004. No adverse human rights implications have been identified as arising from the report. The adopted SPD will be a material planning consideration in the determination of relevant planning applications.

Lawyer consulted: Hilary Woodward

Date: 04/08/08

Equalities Implications:

- 5.3 Local Development Framework Core Strategy Equality Impact Assessment (EQIA) issues relevant to this SPD have been considered. Monitoring and implementation measures have been put in place to evaluate the impact of this SPD as a result.

Sustainability Implications:

- 5.4 The SPD aims to secure protection and enhancement of biodiversity within the city and to ameliorate the effects of climate change. Inclusion of biodiversity within new development within the city will assist urban cooling and reduce storm-water runoff amongst other benefits. The SPD was subject to a Sustainability Appraisal.

Crime & Disorder Implications:

- 5.5 None identified.

Risk and Opportunity Management Implications:

- 5.6 None identified.

Corporate / Citywide Implications:

- 5.7 None identified.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 As part as the SPD development process, alternative options were discussed with stakeholders at the early consultation phase. The Sustainability Appraisal tested the possibility of 'doing nothing' and looked at other options for delivery.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To make members aware of the representations made on the SPD and officers recommended responses.
- 7.2 To ensure there is detailed, up to date, clear and locally relevant advice to all those with an interest in the development process on the integration of biodiversity into development.
- 7.3 To improve the biodiversity value of development in Brighton & Hove and make sure all developments adequately address national planning guidance on biodiversity.
- 7.4 To enable the local planning authority to prepare for implementation of the SPD and local planning applicants/agents to familiarise themselves with its contents.

SUPPORTING DOCUMENTATION

Appendices:

1. Summary of consultation to date.
2. Summary of responses to public consultation, summer 2009.
3. Nature Conservation and Development SPD.

Documents in Members' Rooms

1. Summary of responses to public consultation, summer 2009.
2. Nature Conservation and Development SPD.
3. Nature Conservation and Development SPD – annex document.
4. Sustainability Appraisal.

Background Documents

1. Consultation Statement.
2. Sustainability Appraisal.