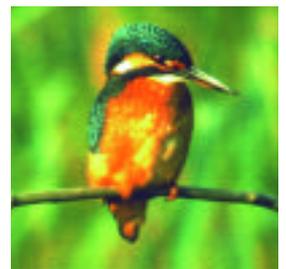


# FRAMEWORK FOR BIODIVERSITY



Integrating  
Biodiversity into  
Local Development  
Frameworks

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This document represents ALGE's professional view on the potential ways that biodiversity may be integrated into local development frameworks.

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ALGE would like to thank the Hampshire Biodiversity Partnership for making this publication possible. In early 2005, the Partnership commissioned the preparation of a report upon which this document is entirely based. Their report was intended for local planning authorities in Hampshire, but they very generously agreed to allow ALGE to take the material and publish it nationally so that planning authorities throughout England might benefit from the findings of their work. ALGE would particularly like to thank David Pape and Hampshire County Council for their original inspiration for the project, and subsequently for supporting and enabling ALGE in the production of this version of their work.

## EXECUTIVE SUMMARY

This report provides advice on the integration of biodiversity into Local Development Frameworks. ALGE hopes that it will:

- a) Assist local authorities in the preparation of their required key documents in Local Development Frameworks and with their subsequent development control functions;
- b) Assist in the preparation of Supplementary Planning Documents on Biodiversity; and
- c) Encourage good practice by developers.

Some of the ideas expressed in this document are at the cutting edge of planning policy and practice, and are intended to be inspirational and aspirational, and will need developing and testing in practice.

As such, the need for this guidance has been prompted by recent changes in the planning system. The Planning and Compulsory Purchase Act 2004 has introduced fundamental changes to the planning system, including greater emphasis on sustainable development, and on spatial planning, community involvement and quality outcomes.

A key factor in the achievement of truly sustainable development involves policy integration along with the identification of sustainable locations for new development. This means ensuring that development avoids or enhances areas subject to environmental and heritage designations, and is not subject to flooding or other natural hazards. Sustainable development also means the promotion of recycled building materials, avoiding or reducing pollution, reducing waste, remedying the effects of derelict and contaminated land, reducing water and energy consumption, using renewable energy, reducing the need to travel, increasing density and using less land.

Biodiversity should also be considered in the context of wider environmental resources and issues. The statutory environmental agencies in England<sup>1</sup> have published *Environmental Quality in Spatial Planning: Incorporating the natural, built and historic environment, and rural issues into plans and strategies* (2005). Their guidance recognises and promotes the fact that:

*“Our quality of life, health and well-being rely on clean land, water and air, productive soils, available minerals and water resources, natural coastal and fluvial systems and processes. They also depend on distinctive and inspirational landscapes, a wealth of wildlife, vibrant communities, a healthy, well managed countryside and open spaces accessible for everyone to enjoy”.*

The Agencies are keen to see environmental quality of life issues fully integrated into plans and strategies. To this end, they state:

*“Sustainable development requires economic, social and environmental objectives to be met together and at the same time. Policy integration is essentially about achieving these win-win-win solutions”.*

ALGE welcomes and supports the need for effective policy integration. Indeed, it is in this wider context that this guidance has been produced and in which ALGE wishes it to be read and applied.

In the past, the typical approach has been to include a suite of policies for nature conservation in the development plan, and to elaborate on these through the publication of Supplementary Planning Guidance. However, the changes now introduced through the new planning legislation provide far more flexibility and greater options for the way in which biodiversity can be considered in various Development Plan Documents within the LDF.

This guidance draws heavily upon PPS 9 *Biodiversity and Geology Conservation* and also on PPS 12 *Local Development Frameworks*. As such, it is believed that the following exploration of how biodiversity can and should be incorporated into local development frameworks is consistent with latest Government policy guidance and good practice.

*The Core Strategy* should present a spatial vision and strategic objectives, with an accompanying core policy, for the conservation, restoration and enhancement of important BAP habitats and species. It should also include a locational policy that proposes an improvement in the quality and extent of natural habitats, the physical processes on which they depend, and the populations of naturally occurring species that they support. There should also be policy on the way that the distribution of nationally or regionally significant species and habitats may alter with climate change, and its effects on biodiversity and nationally or internationally designated sites.

The Core Strategy might also include a *Key Diagram* with an interpretation of the spatial location of important biodiversity resources and also proposed areas for biodiversity enhancement, and how the LDF will plan to accommodate possible changes in biodiversity arising from climate change.

<sup>1</sup> The Countryside Agency, English Heritage, English Nature and the Environment Agency

*Site Specific Allocations* should be based on the 'key principles' expressed in PPS 9; in order to ensure that allocations are based on:

- up-to-date information on existing biodiversity resources on and around the site;
- maintaining and enhancing biodiversity on site;
- a strategic approach to the conservation and enhancement of biodiversity in the wider environment around the site;
- allocating development that can be accommodated without causing harm to biodiversity;
- adequate opportunities in the allocation to achieve effective mitigation and compensation where harm cannot be avoided;
- identifying and promoting opportunities at locations that are most suited to the delivery of LDF targets for biodiversity enhancement.

*The Adopted Proposals Map* may identify areas to be protected, such as internationally, nationally and locally designated nature conservation sites/areas and areas of local biodiversity significance and also areas where biodiversity could be enhanced.

*Generic Development Control Policies* should be based on the 'key principles' in PPS 9 and should guide development so that it (i) avoids adverse impacts on important biodiversity resources, and (ii) secures appropriate mitigation and compensation where harm cannot be avoided for reasons that outweigh nature conservation interests. Also, (iii) plan policies should guide the achievement of appropriately located biodiversity enhancements. These policies may be included in the core strategy or in other appropriate plan documents. Such policies are likely to be criteria-based and should define clearly the circumstances in which planning permission will, or will not, be granted and should focus on achieving the outcomes required to meet the authority's spatial vision and objectives for biodiversity.

*Area Action Plans* may be appropriate for areas that are particularly sensitive to change or development, such as areas of significant biodiversity value. Area Action Plans may establish the conservation and enhancement objectives for such areas and how these might be reconciled with sensitive development. Area Action Plans may also be used to identify key areas where biodiversity gains are to be sought, and also areas that contain biodiversity that could be particularly sensitive to the impacts of climate change.

A comprehensive *Evidence Base* is a vital aspect of development plan preparation, and particularly for preparation of the core strategy. Comprehensive survey and monitoring information will be needed to develop evidence bases which help authorities to identify opportunities, constraints and issues for their area. The stronger the evidence base, the more robust the local development framework is likely to be.

The Biodiversity Evidence Base should, as a minimum, comprise information on the features and resources referred to in PPS 9; these include statutory international sites (*i.e.* cSACs, SPAs, Ramsar sites), statutory national sites (*i.e.* NNRs, SSSIs), regional and local sites (*i.e.* SINC), ancient woodland and other important habitats, important networks of habitats, previously developed land with a biodiversity interest, protected species and species of principal importance for biodiversity conservation. The evidence base should also be used to identify areas with the potential opportunity to deliver specific biodiversity conservation, restoration and enhancements objectives; opportunities to strengthen the strategic networks of natural habitats; and areas of significant natural heritage that may be particularly sensitive to change (*i.e.* change brought about by large scale developments or adverse effects caused by climate change).

*Annual Monitoring Reports* are a requirement under Section 35 of the Planning and Compulsory Purchase Act 2004, and should contain information on the implementation of the local development scheme and the extent to which the policies set out in the local development documents are being achieved.

Monitoring is essential, since it provides information on the performance of policy and its surrounding environment, taking a future orientated approach by identifying the key challenges and opportunities and enabling adjustments and revisions to be made if necessary. In the context of the new planning system, with its focus on delivery of sustainable development and sustainable communities, monitoring takes on an added importance in providing a check on whether those aims are being achieved.

Measuring the performance of policies within the local development framework requires a clear statement of their objectives. Once objectives have been identified, and the related policies developed, it is possible to identify relevant output indicators and set appropriate targets against which movement towards or away from policy objectives can be measured over time.

Biodiversity monitoring requirements should be considered at the Pre-production stage of the LDF as part of evidence gathering. At this stage it is important that biodiversity is included in an authority's outline LDF monitoring framework. Subsequently, a full set of *contextual*, *core output* and *significance of effects* indicators should be developed for biodiversity, with clear linkage to the policy objectives that they are measuring.

As a core indicator of performance, the Government expects local planning authorities to report annually on changes in the areas and populations of important biodiversity in their area.

## ***PART 1 INTEGRATING BIODIVERSITY INTO LDFs***

### **1.1 INTRODUCTION**

#### **Purpose Of The Guidance**

- 1.1.1 This document advises on the possible scope and integration of biodiversity into Local Development Frameworks. ALGE hopes that it will:
- (a) Assist local authorities in the preparation of the required key documents in their Local Development Frameworks and with their subsequent development control functions;
  - (b) Assist in the preparation of Supplementary Planning Documents on Biodiversity; and
  - (c) Encourage good practice by developers.
- 1.1.2 In attempting to show how biodiversity should be integrated into LDFs, two key questions have been addressed by the guidance; these are:
- (i) What biodiversity issues and topics should be covered in Local Development Frameworks – and how should such issues and topics become manifest through spatial planning objectives, targets, policies and site allocations?
  - (ii) What is the range and possible content of Supplementary Planning Documents that relate to biodiversity?
- 1.1.3 Some of the suggestions and recommendations in this document are at the cutting edge of planning policy and practice; as such they are intended to be inspirational and aspirational, and will over time need developing and testing in practice.

#### **Changes To The Planning System**

- 1.1.4 The need for this guidance has been prompted by recent changes in the planning system introduced through the *Planning and Compulsory Purchase Act 2004* and associated statutory instruments. This new legislation and accompanying Government planning guidance (*i.e.* PPS 12 *Creating Local Development Frameworks*) will have significant implications for the scope and content of the various Local Development Plan Documents required by the new system.
- 1.1.5 The changes in the planning system will also have implications for biodiversity conservation. In the past, the typical approach has been to include a suite of policies for nature conservation in the development plan (both Structure and Local plans), and to elaborate on these through the publication of Supplementary Planning Guidance. However, the changes now introduced through the above legislation provide far more flexibility and options for the way in which biodiversity can be considered in various Development Plan Documents within the LDF.

#### **Integrated Plans And Strategies Achieving Sustainable Development**

- 1.1.6 A key objective of the new planning system is that local development documents will be 'spatial' rather than purely land-use plans delivered through the grant and refusal of

planning permission. They will embrace wider social, environmental and economic objectives which will inform and also take account of other strategies and policies.

- 1.1.7 Furthermore, ODPM's Public Service Agreement 6<sup>2</sup> states that the planning system should deliver sustainable development outcomes at the national, regional and local levels.
- 1.1.8 A key factor in the achievement of truly sustainable development involves policy integration along with the identification of sustainable locations for new development. This means ensuring that development avoids or enhances areas subject to environmental and heritage designations, and is not subject to flooding or other natural hazards. Sustainable development also means the promotion of recycled building materials, avoiding or reducing pollution, reducing waste, remedying the effects of derelict and contaminated land, reducing water and energy consumption, using renewable energy, reducing the need to travel, increasing density and using less land.
- 1.1.9 Spatial planning also offers an excellent opportunity to develop and strengthen links between planning documents, local community strategies and a range of other plans and strategies – which may include river basin management plans, catchment flood management plans, regional economic strategies, and regional and local strategies that deal with health, recreation, tourism, agriculture and land management. And where-ever possible, of course, biodiversity should also be integrated into these other strategies as well.
- 1.1.10 ODPM also states that neighbouring local planning authorities should be integrated in the way that they work together on issues of mutual interest and overlap. Joint working on local development documents is particularly encouraged (PPS 12; paragraph 2.34), and there are likely to be significant biodiversity policy and spatial issues that can be better addressed jointly by two or more planning authorities working together, rather than by individually seeking solutions in isolation of each other.
- 1.1.11 It is also important that biodiversity is considered in the context of wider environmental resources and issues. To this end, the statutory environmental agencies in England<sup>3</sup> have published *Environmental Quality in Spatial Planning: Incorporating the natural, built and historic environment, and rural issues into plans and strategies* (2005). Their guidance recognises and promotes the fact that:

*“Our quality of life, health and well-being rely on clean land, water and air, productive soils, available minerals and water resources, natural coastal and fluvial systems and processes. They also depend on distinctive and inspirational landscapes, a wealth of wildlife, vibrant communities, a healthy, well managed countryside and open spaces accessible for everyone to enjoy”.*

- 1.1.12 The Agencies are keen to see planning authorities develop the skills and expertise in house to ensure that environmental quality of life issues are fully integrated into plans and strategies. They state:

*“Sustainable development requires economic, social and environmental objectives to be met together and at the same time. Policy integration is essentially about achieving these win-win-win solutions”.*

- 1.1.13 ALGE welcomes and supports the need for effective policy integration as outlined above. Indeed, it is in this wider context that this guidance has been produced and in which ALGE wishes it to be read and applied. This document is intended to be used in conjunction with

<sup>2</sup> PSA 6 states: The planning system to deliver sustainable development outcomes at national, regional and local levels through efficient and high quality planning and development management processes, including through the achievement of Best Value standards for planning by 2008.

<sup>3</sup> The Countryside Agency, English Heritage, English Nature and the Environment Agency

the Agencies' *Environmental Quality in Spatial Planning*, and hopefully takes their broader principles forward to apply them to the specific topic of biodiversity conservation.

- 1.1.14 The following sections are not intended to be prescriptive but instead present a range of options for integrating biodiversity into various LDF documents.

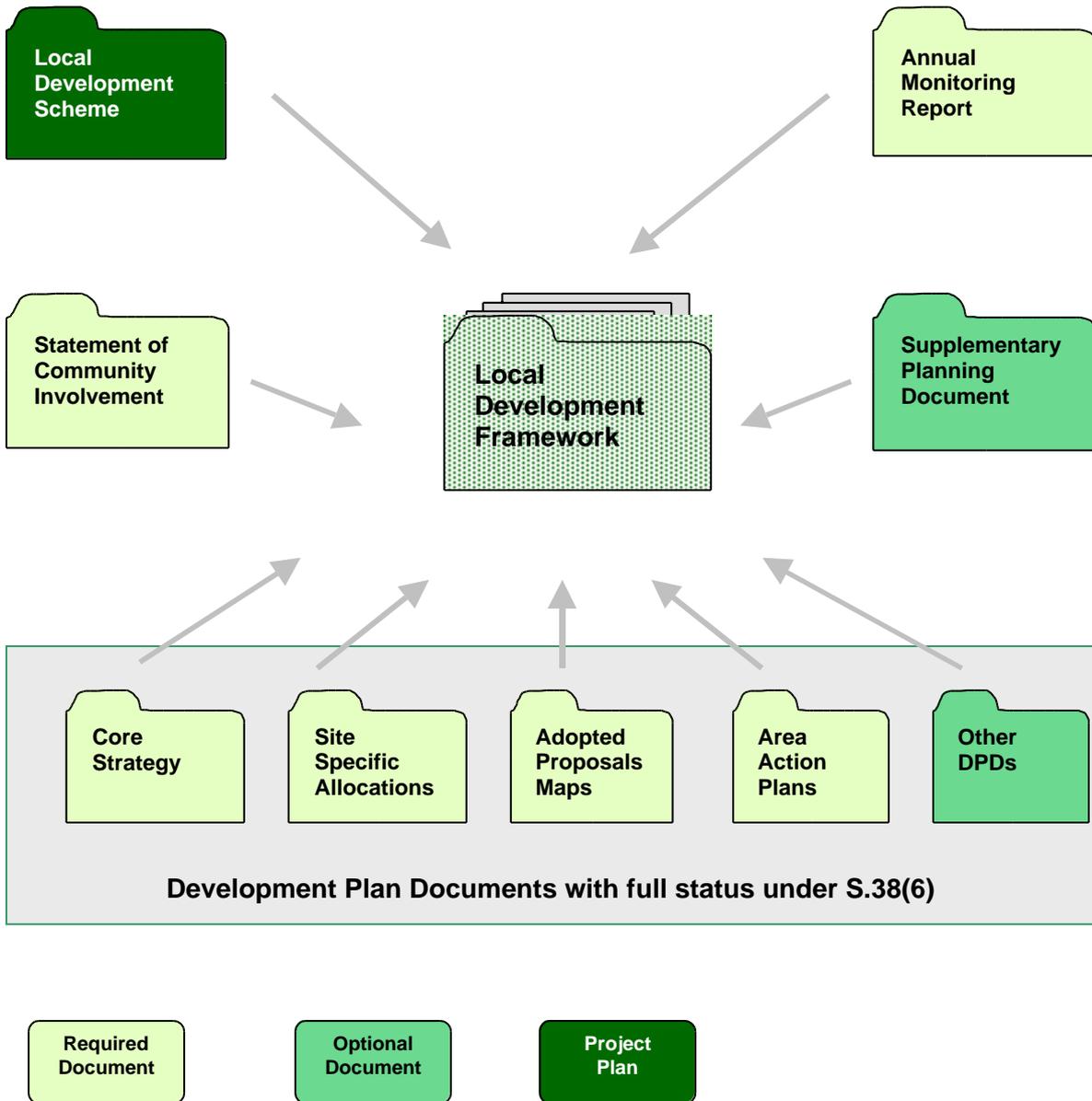
### Scope For Biodiversity In Local Development Frameworks

- 1.1.15 PPS 12 *Creating Local Development Frameworks*, and its *Companion Guide* by the same name, explain the scope, structure and proposed content for all of the constituent documents that make up the Local Development Framework. Development Plan Documents will be subject to independent examination and Section 38(6) of the Planning and Compulsory Purchase Act 2004 accords them the status of part of the Development Plan when adopted by the planning authority. Figure 1, copied from PPS 12, shows both the *required* and *optional* composition of a LDF and the status afforded to each type of document.
- 1.1.16 Local planning authorities will need to identify which elements of the LDF they wish to use to promote biodiversity aims, objectives, targets and policies. This is likely to result in biodiversity policies being included in a range of LDDs, some of which may then need to be supplemented by SPD.
- 1.1.17 *Note:* Supplementary Planning Documents will not be subject to independent examination and they will not have the status of a Development Plan when adopted by a local planning authority. They will however be subject to Sustainability Appraisal and Strategic Environmental Assessment, and rigorous procedures of community involvement.

### Coverage Of Biodiversity Issues In More Than One LDD

- 1.1.18 Under the umbrella of the Local Development Framework, it may be appropriate to deal with biodiversity issues, objectives, targets, policies, sites, features, habitats and species in more than one Local Development Document (for reference see Figure 1).
- 1.1.19 Therefore, a key question for local planning authorities is to decide:
- (i) Which elements of biodiversity spatial planning they wish to accord with the full status of the Development Plan, with the consequent backing of S.38(6) and then:
    - which should be included in '*Required*' LDDs (*i.e.* Core Strategy, Site Specific Allocations and Proposals Maps) and
    - which should be included in '*Optional*' LDDs (*i.e.* Area Action Plans);
  - (ii) Which biodiversity issues do not require full status and are more appropriately covered in a Supplementary Planning Document?.
- 1.1.20 The above decision process will be important, because all matters covered in SPD must relate to policies in a development plan document (see PPS 12, paragraph 4.40).
- 1.1.21 A summary of the proposed scope and content of Local Development Documents that are particularly relevant to biodiversity issues is provided in this report at Annex A. This is based on extracts from PPS 12 and its Companion Guide (ODPM 2004).

Figure 1



## Local Development Schemes

1.1.22 PPS 12 (paragraph 3.19) states that the LDS should focus on the first 3 years from the commencement of the Act, but should also give an indication of what future work is proposed beyond the 3 year period in terms of reviewing or supplementing the documents proposed in the Scheme.

1.1.23 The LDS should provide a complete timeline for production, from evidence base to adoption. In preparing a LDS, LPAs should

- (i) provide a brief description of all documents to be prepared and the content;
- (ii) establish which plan documents will be formal Development Plan Documents (with the full status of Section 38(6) of the Act);
- (iii) in the transitional period state which existing policies will be replaced or saved;
- (iv) explain the relationship between the Core Strategy and other Plan Documents;
- (v) state which, if any, documents will be prepared on a joint basis;
- (vi) set out planned timetable with milestones;
- (vii) set out SPG to be saved or replaced and the SPD proposed.

1.1.24 *Note:* For SPD it is hoped that this document will assist local planning authorities when they come to prepare their Local Development Schemes. PPS 12 (paragraph 4.39) states:

*“Local planning authorities should set out in their local development scheme any SPD which they propose to prepare, including indicating which DPD they are supplementing and the timetable for preparation”.*

1.1.25 Table 1 provides an overview of the process explained in PPS 12 for the preparation of LDDs, and illustrates at each stage, how biodiversity may be considered.

## Linkage With Community Strategies

1.1.26 It is becoming increasingly apparent that the overlap between the new style ‘*Spatial Core Strategy*’ and the ‘*Community Strategy*’ could be considerable. Also, since, local development frameworks act as the land-use delivery mechanism and provides a spatial development framework for community strategies, local authorities should consider aligning the production process of both initiatives to achieve economies of scale (ODPM<sup>4</sup> 2005; paragraph 2.6). Also in relation to monitoring: *“As local development frameworks and community strategies share the same objective of sustainable development, there should be some degree of communality in their baseline and monitoring requirements”.*

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<sup>4</sup> ODPM *Local Development Framework Monitoring: A Good Practice Guide (2005)*

Table 1 Integrating Biodiversity Into LDF Preparation\*

Stages in LDF Preparation			Actions for Integrating Biodiversity
Pre-Production Stage	Evidence Gathering	Stages Subject to Sustainability Appraisal and Strategic Environmental Assessment	Review content and adequacy of existing local biodiversity evidence base ( <i>i.e.</i> is data fit for purpose?) and identify information relevant for plan preparation and also requirements for further survey or data analysis. Incorporate biodiversity into outline of LDF monitoring framework.
			Use the biodiversity evidence base to identify: <ul style="list-style-type: none"> <li>designated sites, important habitats and important species within the plan area.</li> <li>condition, extent, threats and trends for biodiversity resources and establish baseline for contextual indicators.</li> <li>areas of opportunity for biodiversity enhancement.</li> </ul> Agree biodiversity monitoring principles to be used in LDF monitoring framework.
Production Stage	Prepare Issues and Alternative Options		Prepare <i>Options</i> for biodiversity including spatial vision, objectives, targets, policies and identify clear links with these and potential core output, contextual and significance of effects indicators.
	Public Participation on Preferred Options		Consult with appropriate local nature conservation organisations and groups, in addition to receiving general representations from the local community.
	Representations on Preferred Options		Receive, assess and respond to representations on biodiversity issues.
	Preparation of Submission of DPD		Prepare final <i>Preferred</i> biodiversity vision, objectives, targets, policies and indicators and integrate fully into all relevant elements of the LDF.
	Submission of DPD		Submit DPD taking account of preferred options for biodiversity.
Examination Stage	Representations on DPD		Provide opportunity for third parties to support or challenge LDF preparation and make representations on DPDs.
	Pre-examination meeting		
	Independent Examination		Consider representations from third parties supporting or challenging biodiversity elements of various DPDs.
	Binding Report		Include with the publication of the final LDF, a copy of the Inspector's Report and Sustainability Report (and SEA), where the latter should demonstrate that biodiversity has been fully taken into account in all aspects of SA and SEA.
Adoption Stage	Adoption		Adopt LDF (with biodiversity integrated into all relevant issues and sections) ensuring that subsequent DC decisions are fully informed by relevant biodiversity elements of the plan..
	Monitoring and Review		Monitor DC Decisions for their effect on biodiversity resources using appropriate ' <i>context</i> ', ' <i>output</i> ' and ' <i>significance of effects</i> ' indicators.

Based on the LDF preparation process as identified by ODPM (Source: ODPM PPS 12 *Local Development Frameworks* 2005)

## 1.2 NATIONAL GUIDANCE

1.2.1 The proposed scope and content of local development documents (including SPD) should be largely consistent with national and regional planning guidance. In terms of national guidance, the primary sources of information are PPS 12 and PPS 9.

### Issues Raised By PPS 9 *Biodiversity And Geology Conservation*

1.2.2 PPS 9 sets out the Government's objectives for biodiversity and geology conservation along with a series of key principles that are intended to ensure that the potential impacts of planning decisions on biodiversity are fully considered. PPS 9 also contains policy guidance on a number of biodiversity resources.

1.2.3 In summary PPS 9 states that local planning authorities should adhere to the following the key principles:

- Policies and decisions should be based on up-to-date information.
- Policies and decisions should seek to sustain and enhance biodiversity.
- Policies should take a strategic approach to the conservation and enhancement of biodiversity.
- Developments where the principal objective is to conserve or enhance biodiversity should be permitted.
- Proposed development should be accommodated without causing harm to biodiversity and reasonable alternative should be considered. Planning permission should only be granted where adequate mitigation and compensation measures are put in place.
- Beneficial biodiversity features should be promoted within new development.

1.2.4 In addition to the key principles presented above, PPS 9 also provides the Government's policy guidance for a number of biodiversity resources; which are listed below:

- International sites (*i.e.* SPAs, SACs, Ramsar sites)
- National sites (*i.e.* NNRs and SSSIs)
- Regional and local sites (*i.e.* LNRs, RIGS, SINCAs)
- Ancient woodland and other important natural habitats
- Networks of natural habitats
- Previously developed land
- Biodiversity within developments
- Protected species and species of principal importance for biodiversity conservation

### Issues Raised By PPS 12 *Creating Local Development Frameworks*

1.2.5 In addition to the biodiversity guidance presented in PPS 9, there is also relevant guidance in PPS 12 in relation to the content of Local Development Frameworks (for full extracts see Annex A of this report). In summary this includes the following:

- The adopted proposals map should identify areas of protection, such as ... "*local nature conservation areas*";
- The adopted proposals map may also show any of the following where these are contained in the policies and proposals of the relevant development plan documents:
  - nationally designated areas such as SSSIs,
  - areas subject to specific design initiatives,
  - areas of more regional or local significance for biodiversity and where biodiversity will be enhanced;

- Action Area Plans should be used to protect areas particularly sensitive to change and should set out the policies and proposals for action to preserve or enhance the area, including defining areas where specific conservation measures are proposed and areas which will be subject to specific controls over development;
- Area Action Plans should also focus upon implementation, ensuring development of an appropriate scale, mix and quality for key areas of opportunity, change or conservation;
- Area action plans could be relevant in a wide range of circumstances, for instance in areas that are particularly sensitive to change or development, such as areas of significant natural or cultural heritage value. Plans for such areas would establish the conservation and enhancement objectives and how these might be reconciled with sensitive development.
- There should be a limited range of policies that set out the criteria against which planning applications should be considered. The focus should be on topic-related policies such as protecting landscape and natural resources, including those for nature conservation.

1.2.6 In addition to the above, PPS 12 refers to the importance attached by the Government to the implications of climate change. PPS 12 (page 68) states:

*“Climate change is a significant environmental threat, the effects of which will be increasingly felt in future years. The Government attaches great importance to acting on a precautionary basis to reduce the emissions that cause climate change and to prepare for its impacts”.*

*“Climate change could have significant consequences”.*

1.2.7 With regard to climate change and biodiversity, PPS 12 (page 69) states that local planning authorities should include policy on:

*“the way that the distribution of nationally or regionally significant species and habitats may alter with climate change, and the effects on biodiversity and nationally or internationally designated sites”.*

### 1.3 COVERAGE OF BIODIVERSITY IN LOCAL DEVELOPMENT DOCUMENTS

- 1.3.1 The issues raised in PPS 9 and PPS 12 should be considered for inclusion in local development frameworks as and when they are produced by a local planning authority. Below is an example of how biodiversity might be covered in an LDF, based on a similar and more general example presented in *Policies for Spatial Plans* produced by the Planning Officers Society (consultation draft 2004).

#### Box 1

**The Core Strategy** should present a spatial vision and strategic objectives, with an accompanying core policy, for the conservation, restoration and enhancement<sup>1</sup> of important BAP habitats and species. It should also include a locational policy that proposes an improvement in the quality and extent of natural habitats, the physical processes on which they depend, and the populations of naturally occurring species that they support. There should also be policy on the way that the distribution of nationally or regionally significant species and habitats may alter with climate change, and its effects on biodiversity and nationally or internationally designated sites.

The Core Strategy might also include a **Key Diagram** with an interpretation of the spatial location of important biodiversity resources and also proposed areas for biodiversity enhancement, and how the LDF will plan to accommodate possible changes in biodiversity arising from climate change.

**Site Specific Allocations** should be based on the 'key principles' expressed in PPS 9; in order to ensure that allocations are based on:

- up-to-date information on existing biodiversity resources on and around the site;
- maintaining and enhancing biodiversity on site;
- a strategic approach to the conservation and enhancement of biodiversity in the wider environment around the site;
- allocating development that can be accommodated without causing harm to biodiversity;
- adequate opportunities in the allocation to achieve effective mitigation and compensation where harm cannot be avoided;
- identifying and promoting opportunities at locations that are most suited to the delivery of LDF targets for biodiversity enhancement.

**The Adopted Proposals Map** may identify areas to be protected, such as internationally, nationally and locally designated nature conservation sites/areas and areas of local biodiversity significance and also areas where biodiversity could be enhanced<sup>2</sup>.

**Generic Development Control Policies** should be based on the 'key principles' in PPS 9 and should guide development so that it (i) avoids adverse impacts on important biodiversity resources, and (ii) secures appropriate mitigation and compensation where harm cannot be avoided for reasons that outweigh nature conservation interests. Also, (iii) plan policies should guide the achievement of appropriately located biodiversity enhancements. These policies may be included in the core strategy or in other appropriate plan documents. Such policies are likely to be criteria-based and should define clearly the circumstances in which planning permission will, or will not, be granted and should focus on achieving the outcomes required to meet the authority's spatial vision and objectives for biodiversity<sup>3</sup>.

**Area Action Plans** may be appropriate for areas that are particularly sensitive to change or development, such as areas of significant biodiversity value. Area Action Plans may establish the conservation and enhancement objectives for such areas and how these might be reconciled with sensitive development. Area Action Plans may also be used to identify key areas where biodiversity gains are to be sought, and also areas that contain biodiversity that could be particularly sensitive to the impacts of climate change.

<sup>5</sup> The conservation, enhancement and restoration of England's wildlife and geology is stated by the Government at the beginning of PPS 9 as one of its four over-arching biodiversity objectives for the planning system.

<sup>6</sup> These features and areas are specifically mentioned in PPS 9 and/or PPS 12.

<sup>7</sup> PPS 12 paragraph 2.29 states that nature conservation is an appropriate topic for Generic Development Control Policies.

- 1.3.2 A broad overview of the potential scope and content for the biodiversity issues and topics that may be covered in LDFs is presented in Figure 2.
- 1.3.3 This document now presents information that elaborates on the ideas outlined in Box 1 and Figure 2, and presents recommendations for integrating biodiversity into 'required' LDDs. It does not, however, make reference to the possible content of 'optional' LDDs (since it is difficult at this stage to anticipate what topics these might cover and therefore how biodiversity might be included). As such, the remainder of Part 1 covers:
- (i) The biodiversity elements that should be integrated into LDF Core Strategies;
  - (ii) An approach for ensuring that biodiversity is effectively integrated into all LDF Site Specific Allocations;
  - (iii) The biodiversity elements that should be represented on Plan Proposals Maps;
  - (iv) The content and extent of a 'robust' biodiversity evidence base that will be required to (a) inform preparation of the above plan documents and (b) to underpin subsequent sustainability appraisal and strategic environmental assessment of these documents;
  - (v) The approach to be used in Annual Monitoring Reports.
- 1.3.4 The proposals set out below for incorporating biodiversity into LDDs are based on the guidance in PPS 9 *Biodiversity and Geological Conservation*, and PPS 12 *Creating Local Development Frameworks*, and its *Companion Guide*.

## Figure 2 Overview Of Potential Scope and Content For Biodiversity in LDFs

### General Background

- Background to the UK BAP and England Strategy
- Biodiversity and sustainable development
- Relevant wildlife legislation and Govt. policy

### Biodiversity Evidence Base

- Statutory and non-statutory sites
- Protected species
- Quality & extent of habitats & species of principal importance (*i.e.* covered by S.74 of the CROW Act 2000)
- Ancient woodland and veteran trees
- Important networks of natural habitats
- Conserving and restoring healthy ecosystems
- Previously developed land of biodiversity value
- Condition, threats, opportunities and trends
- Local BAP objectives, priorities and targets
- English Nature's Natural Area Profiles
- Habitat opportunity maps

### Issues for Forward Planning

- Spatial vision for biodiversity
- Objectives & targets for biodiversity
- Opportunities and areas for enhancement
- Policy Implications of climate change
- Criteria-based policies
- Biodiversity at mineral and waste sites
- Biodiversity in building design and construction
- Biodiversity as a component of infrastructure provision (*i.e.* green infrastructure & networks)
- Biodiversity indicators and monitoring for Annual Monitoring Reports (AMRs)
- Community involvement
- Sustainability Appraisal & Strategic Environmental Assessment

### Considerations for Development Control

- DC functions and activities relating to biodiversity
- Protection of key biodiversity resources
- Maintenance, management and enhancement of biodiversity
- Avoidance of harm to key biodiversity resources
- Mitigation and compensation of harm that cannot be avoided
- Achieving gains for biodiversity
- Use of design guides
- Survey and information requirements
- Systems for monitoring and reporting in AMR
- Appropriate Assessment and Environmental Impact Assessment
- Planning conditions and obligations for biodiversity
- Planning compliance and enforcement

### Tools and Checklists

- Biodiversity issues on planning applications forms
- Model planning conditions for biodiversity
- Protocols for consultation with key stakeholders
- Ecological surveys and desktop searches
- Development control checklists and triggers
- Robust monitoring systems (including monitoring forms *etc* for major application)
- Case studies & model approaches to standard tasks

### Appendices

- Glossary
- References / Sources of further information
- Lists of priority habitats & species occurring in Hants
- Lists of protected species occurring in the local authority's area
- Useful contacts (*i.e.* consultees and stakeholders)

### Integrating Biodiversity Into The Core Strategy

- 1.3.5 PPS 12 (paragraph 2.9) states that the Core Strategy should normally be the first development plan document to be produced. It should be comprised of a spatial vision and strategic objectives for the area; a spatial strategy; core policies; and a monitoring and implementation framework with clear objectives for achieving delivery. It must be kept up to date, and once adopted, all other development documents must be in conformity with it.
- 1.3.6 PPS 12 (paragraph 2.10) states that the Core Strategy should set out the long term spatial vision for the authority's area and the strategic policies required to deliver the vision. As such, it should draw upon any strategies of the local authority and other organisations that have implications for the development and use of land (*i.e.* in the case of biodiversity, the UK Biodiversity Action Plan, The England Biodiversity Strategy and local BAPs).
- 1.3.7 In addition, PPS 9 (paragraph 4) states that:
- “Local authorities should take an integrated approach to planning for biodiversity and geodiversity when preparing local development documents. They should ensure that the policies in local development documents reflect, and are consistent with, national, regional and local biodiversity priorities and objectives (including those agreed by local biodiversity partnerships”.*
- 1.3.8 The Core Strategy of each LDF prepared by local planning authorities will be the appropriate document in which to present a spatial vision and strategic objectives for biodiversity. As such, it should explain the links between biodiversity conservation and sustainable development.
- 1.3.9 The vision for biodiversity should identify key features and areas to be protected from adverse impacts, and areas where there is greatest potential for significant biodiversity enhancements. Creation of such a vision may be based on the condition and distribution of some or all of the following biodiversity resources<sup>8</sup>
- a. international sites
  - b. national sites
  - c. regional and local sites
  - d. ancient woodland and other important habitats
  - e. networks of natural habitats
  - f. previously developed land ('brown field land')
  - g. protected species and species of principal importance for the conservation of biodiversity
  - h. sites and areas identified for biodiversity enhancement
- 1.3.10 The Core Strategy should set out strategic objectives (based on both national and local priorities) with accompanying core policies, for the protection, conservation, restoration and enhancement<sup>9</sup> of important sites, habitats, features and species found in authority's area. It may also be appropriate to include some or all of the required *generic development control policies* for biodiversity in the Core Strategy; these are likely to be criteria-based policies that clearly define the circumstances in which permission will and will not be permitted<sup>10</sup>.

<sup>8</sup> These resources are all described in PPS 9 (paragraphs 6 to 16).

<sup>9</sup> The conservation, enhancement and restoration of England's wildlife and geology is stated by the Government at the beginning of PPS 9 as one of its over-arching biodiversity objectives for the planning system.

<sup>10</sup> Rather than including them in the Core Strategy, Generic Development Control Policies may instead be contained within an 'Other Development Plan Document' with the specific purpose of presenting all DC policies.

- 1.3.11 Also, there should be policy that addresses the way that the distribution of nationally or regionally significant species and habitats may alter with climate change, and the effects such change may have on biodiversity and nationally or internationally designated sites<sup>11</sup>. Such a policy may be based on consideration of the possible options that exist to avoid or reduce the effects of climate change on vulnerable habitats and species.
- 1.3.12 Biodiversity data (the '*Evidence Base*') to support and supplement the vision and to justify and expand on specific biodiversity objectives and targets for biodiversity may be presented in appropriate SPD for biodiversity (see Section 2.2 of Part 2).
- 1.3.13 The Core Strategy may also include a *Key Diagram or Illustrative Map for Biodiversity*. This may interpret the spatial vision for and location of important biodiversity resources and also proposed areas for biodiversity enhancement, and may also show how the LDF plans to accommodate possible changes in biodiversity arising from climate change.

### Integrating Biodiversity Into Site Specific Allocations

- 1.3.14 Site Specific Allocations should ensure that the '*Key Principles*' from PPS 9 have been applied to site selection and also to the form, type and scale of development allocated to each specific site.
- 1.3.15 In order to apply the '*Key Principles*', the preparation of Site Specific Allocations should include and be guided by:
- up-to-date information on existing biodiversity resources on and around the site (*i.e.* a robust site based evidence base for biodiversity);
  - site specific objectives for maintaining and enhancing biodiversity on site;
  - a strategic approach to the conservation and enhancement of biodiversity in the wider environment around the site, taking account where appropriate of:
    - international sites
    - national sites
    - regional and local sites
    - ancient woodland
    - networks of natural habitats
    - previously developed land ('brown field land')
    - protected species
    - habitats and species of principal importance to the conservation of biodiversity
  - measures to ensure that development on specific site allocations can avoid causing harm to biodiversity;
  - adequate opportunities in the site allocation to ensure that effective mitigation and compensation is achieved where harm cannot be avoided;
  - special promotion of opportunities associated with site specific allocations that are well suited to the delivery of LDF targets for biodiversity enhancement.
- 1.3.16 Site specific allocations are likely to require clear linkage to a carefully prepared biodiversity policy in the Site Specific Allocations document. Such policy is likely to be

<sup>11</sup> PPS 12 states that LDDs should include such a policy (see Annex B pages 68 and 69 ).

criteria-based and should define clearly the circumstances in which planning permission will, or will not, be granted for the site and should focus on achieving the outcomes required to meet the authority's spatial vision and objectives for biodiversity on that site.

1.3.17 Site specific allocation plans may be supported by SPD for biodiversity (see Part 2).

### Integrating Biodiversity Into Plan Proposals Maps

1.3.18 PPS 12 (paragraph 10) states that the Adopted Proposals Map (APMs) should identify areas of protection and PPS 12 (Annex A page 61) also adds that the APMs may show any of the following where these are contained in the policies and proposals of the relevant development plan documents:

- nationally designated areas such as SSSIs;
- areas of more regional or local significance for biodiversity;
- areas where biodiversity will be enhanced.

1.3.19 PPS 9 (paragraph 4) adds:

*“Local development frameworks should:*

- (i) indicate the location of designated sites of importance for biodiversity and geodiversity, making a clear distinction between the hierarchy of international, national, regional, and locally designated sites”; and*
- (ii) identify any areas or sites for the restoration or creation of new priority habitats which contribute to regional targets, and support this restoration or creation through appropriate policies”.*

1.3.20 It may also be appropriate to show on The Plan Proposals Map (or an accompanying insert and/or illustrative map):

- Areas identified with the potential opportunity to deliver specific biodiversity conservation, restoration and enhancements objectives (*i.e.* Habitat Opportunity Maps<sup>12</sup>. An example of habitat opportunity maps is provided in Annex 1);
- Strategic networks of natural habitats;
- Areas of significant natural heritage that may be particularly sensitive to change (*i.e.* change brought about by large scale developments or even by climate change) as may be covered by Area Action Plan Objectives and Policies.

### Preparing A Robust Biodiversity Evidence Base

1.3.21 PPS 12 states:

*“Policies prepared by the local planning authority should be founded on a thorough understanding of the needs of their area and the opportunities and constraints which operate within that area. LPAs should prepare and maintain an up-to-date information base on key aspects of the social, economic and environmental characteristics of their area, to enable the preparation of sound spatial planning*

<sup>12</sup> Habitat Opportunity Maps have been prepared by Kent County Council to illustrate where efforts to enhance and extend particular habitats types are most likely to be successful – based on an analysis of suitable ecological conditions *i.e.* soil, drainage, geology and land use.

*meeting the objectives of sustainable development. LPAs are required to keep under review the following matters:*

- i) the principal physical, economic, social and environmental characteristics of their area;*
- ii) the principal purpose for which land is to be used;*
- iii) the size ... of population*
- iv) communications and transport*
- v) any other considerations which may be expected to affect those matters”.*

1.3.22 PPS 12 paragraph 4.10 states:

*“County councils are responsible for keeping under review and making available to local planning authorities all matters in relation to i, iii, and v above”.*

1.3.23 PPS 12 paragraph 4.11 states:

*“At the earliest stage in the preparation of the development plan document, and particularly for preparation of the core strategy, the local planning authority should gather evidence about their area”.... and*

*“This may include studies to be undertaken or commissioned on for example ... the natural habitats in the area ...”.*

*and ...*

*“This evidence base will be relied upon by the local planning authority in testing the soundness of the development plan document at independent examination”.*

1.3.24 The Companion Guide to PPS 12 (page 28) states:

*“Survey and evidence gathering – a comprehensive evidence base is a vital aspect of local development plan preparation”.*

1.3.25 The Companion Guide page 34 adds:

*“Comprehensive survey and monitoring information will be needed to develop evidence bases which help authorities to identify opportunities, constraints and issues for their area”... and... “The stronger the evidence base, the more robust the local development framework is likely to be” and “Although a broad evidence base is desirable, authorities will need to adopt realistic approaches, drawing upon existing sources of information where possible”.*

*“Information underpinning the evidence base should be up-to-date, and this may require further survey work”.*

1.3.26 The *Biodiversity Evidence Base* for LDFs should, as a minimum, comprise information on the features and resources referred to in PPS 9 (paragraphs 6 to 16); these include:

- Statutory international sites (*i.e.* cSACs, SPAs, Ramsar sites)
- Statutory national sites (*i.e.* NNRS, SSSIs)
- Regional and Local sites (*i.e.* SINCs)
- Ancient woodland and other important habitats
- Important networks of habitats
- Previously developed land
- Protected species and species of principal importance for biodiversity conservation

1.3.27 Wherever possible, the evidence base should provide additional information on:

- The current baseline condition and extent of biodiversity features<sup>13</sup>, and;
- Trends in the condition and extent of these features (*i.e.* is their conservation status stable, improving or declining)<sup>14</sup>;
- Relevant threats and opportunities relating to these features, and particularly those generated by proposals for new development and changes in land-use which the objectives and policies of the LDF should address;
- The evidence base may also draw upon biodiversity information from other initiatives and strategies, such as shared or overlapping biodiversity objectives and targets set out in Agri-environment schemes as may relate to the local authority's area.

1.3.28 Spatial planning objectives for biodiversity in each LDF should draw upon relevant national, regional and local priorities, objectives and targets prepared and agreed by regional and local biodiversity partnerships (such as in local Biodiversity Action Plans and/or in English Nature's Natural Area Profiles). Also, drawing on the guidance in PPS 9 and PPS 12, the evidence base should also be used to identify:

- Areas with the potential opportunity to deliver specific biodiversity conservation, restoration and enhancements objectives (*i.e.* Habitat Opportunity Maps<sup>15</sup>);
- Opportunities to strengthen the strategic networks of natural habitats;
- Areas of significant natural heritage that may be particularly sensitive to change (*i.e.* change brought about by large scale developments or adverse effects caused by climate change).

1.3.29 Local planning authorities, supported by relevant conservation bodies, should identify what information is currently available, and where further field survey (and/or data collection and analysis) may be required to ensure that information is fit for purpose.

### Integrating Biodiversity Into Annual Monitoring Reports

1.3.30 Section 35 of the Planning and Compulsory Purchase Act 2004 requires every local planning authority to make an annual report to the Secretary of State containing information on the implementation of the local development scheme and the extent to which the policies set out in the local development documents are being achieved.

1.3.31 ODPM have published *Local Development Framework Monitoring: A Good Practice Guide* (2005) to assist planning authorities in the preparation of Annual Monitoring Reports (AMRs). The Guide (paragraph 1.2) states:

*“Monitoring is essential ... it provides information on the performance of policy and its surrounding environment, taking a future orientated approach by identifying the key challenges and opportunities and enabling adjustments and revisions to be made if necessary. In the context of the new planning system, with its focus on delivery of sustainable development and sustainable communities, monitoring takes on an added importance in providing a check on whether those aims are being achieved”.*

<sup>13</sup> Baseline contextual information will be required for monitoring purposes – as is set out in *Local Development Framework Monitoring: A Good Practice Guide* (ODPM 2005).

<sup>14</sup> *Note:* In looking at current trends, condition, threats and opportunities, it may be valuable to identify key ecological processes and functioning that the above features are dependent upon for their continued distribution and abundance.

<sup>15</sup> Habitat Opportunity Maps have been prepared by Kent County Council to illustrate where efforts to enhance and extend particular habitats types are most likely to be successful – based on an analysis of ecological conditions *i.e.* soil, drainage, geology and land use.

1.3.32 Measuring the performance of policies within the local development framework requires a clear statement of their objectives. Once objectives have been identified, and the related policies developed, it is possible to identify relevant output indicators and set appropriate targets against which movement towards or away from policy objectives can be measured over time.

1.3.33 As well as monitoring the performance of policy objectives within the LDF, the performance of policies should also be monitored in terms of their performance against sustainability appraisal objectives and targets. The Good Practice Guide (paragraph 2.4) states:

*“Local planning authorities should adopt an integrated approach to monitoring local development frameworks that takes full account of the monitoring needs of Sustainability Appraisal and the Strategic Environmental Assessment Directive.”*

1.3.34 Table 3.2 of the ODPM's *LDF Monitoring: A Good Practice Guide* (2005; page 13) provides a list of the issues to be considered in AMRs; these include:

- i) whether the timetable and milestones for the preparation of documents is being met;
- ii) whether policies and policy targets in the local development documents have been met or progress is being made towards meeting them;
- iii) what impacts the policies are having in respect of national and regional targets;
- iv) what significant effects of implementation of the policies is having on the social, environmental and economic objectives by which sustainability is defined and whether these effects are as intended;
- v) whether the policies in the LDF need adjusting or replacing because they are not working as intended;
- vi) whether the policies need changing to reflect changes in national and regional policy;

1.3.35 Following on from the *objectives-policies-targets-indicators approach*, ODPM recommends development of a tiered set of indicators, reflecting the fact that different types are required as they each have a specific purpose. Three types are proposed:

*Contextual Indicators* – these should be structured to establish the baseline position of the wider social, environmental and economic circumstances in the authority's area.

*Core Output Indicators* – these should be used to measure quantifiable physical activities that are directly related to, and are a consequence of, the implementation of planning policies.

*Significance of Effects Indicators* – these should be used to assess, through Sustainability Appraisal, the significant social, environmental and economic effects of policies. Monitoring significance of effects should enable a comparison to be made between predicted effects and the actual effects measured during implementation of the policies.

1.3.36 Biodiversity monitoring requirements should be considered at the Pre-production stage of the LDF as part of evidence gathering. At this stage it is important that biodiversity is included in an authority's outline LDF monitoring framework. Subsequently, a full set of

*contextual, core output and significance of effects* indicators should be developed for biodiversity, with clear linkage to the policy objectives that they are measuring.

1.3.37 The ODPM (see the Monitoring Good Practice Guide; page 29), has suggested a biodiversity core output indicators as follows:

*“Changes in areas and populations of biodiversity importance, including:*

- (i) change in priority habitats and species (by type) and*
- (ii) change in areas designated for their intrinsic environmental value including sites or international, national, regional and sub-regional significance”.*

Where changes in the above are defined in Annex B of the Guide as:

- Change to be considered in terms of impact of completed development, management programmes and planning agreements. Measurement includes additions and subtractions to biodiversity priority habitats (hectares) and numbers or priority species types.
- Areas of environmental value should be measured in hectares.

1.3.38 It may be appropriate to also feed the results of the above monitoring into other national, regional and local biodiversity monitoring initiatives, such as the national Biodiversity Action Reporting System (BARS).

1.3.39 Note: The UK Government has committed itself at the global, EU and national levels to reduce or stop the loss of biodiversity by 2010. By monitoring changes in biodiversity resulting from the planning and development process, local authorities will be able to identify the contribution that they are making towards the 2010 target.

## ***PART 2 PREPARING SPD FOR BIODIVERSITY***

### **2.1 PPS 12 AND SUPPLEMENTARY PLANNING DOCUMENTS**

2.1.1. PPS 12 (page 14) sets out the parameters for the preparation and use of Supplementary Planning Documents (see Box 1), and also explains the ranges of formats that may be employed. In summary, PPS 12 states that SPD can include:

#### **Box 2**

##### **Guidance on SPD from PPS 12 and its Companion Guide**

PPS 12 page 14 states:

*“Supplementary Planning Documents will not be subject to external examination, and will not form part of the statutory development plan. However, they should be subjected to rigorous procedures of community involvement”.*

*SPD may cover a range of issues, both thematic and site specific, which may expand policy or provide further details to policies in a development plan document. They must not, however, be used to allocate land. SPD may take the form of design guides, area development briefs, master plans or issue based documents which supplement policies in a dev plan doc. The following principles apply:*

- i) it must be consistent with national and regional planning policies as well as the policies set out in the development plan documents contained in the local development framework;*
- ii) it must be clearly cross-referenced to the relevant development plan document policy which it supplements (or, before a relevant dev plan doc has been adopted, a saved policy);*
- iii) it must be reviewed on a regular basis alongside reviews of the development plan document policies to which it relates; and*
- iv) the process by which it has been prepared must be made clear and a statement of conformity with the statement of community involvement must be published with it.*

*SPD may contain policies which expand or supplement the policies in development plan documents. However, policies which should be included in a development plan document and subjected to proper independent scrutiny in accordance with the statutory procedures should not be set out in SPD”.*

The Companion Guide to PPS 12 (page 23) states that SPD can:

*“Demonstrate through illustration, text, and practical examples how policies can be taken forward. SPDs can include design guides, site development briefs, issue or thematic-based documents”.*

2.1.2 PPS 12 also states (paragraph 4.40) that::

*“All matters covered in SPD must relate to policies in a development plan document or a saved policy in a development plan” and “Where the detail to be provided in the SPD is fundamental to early delivery of policies in a DPD, it may usefully be prepared in parallel with that document”.*

### **Biodiversity Guidance For Development Control Planners And Developers**

2.1.3 Part 2 presents recommendations for the preparation of Biodiversity SPD that can be used to inform the development control process. In essence, such SPD should aim to:

- a. explain to applicants what they need to take account of and what to do to incorporate biodiversity issues adequately into their proposals, and;
- b. explain to development control planners how they should consider and assess all sorts of planning applications in order to assess their overall implications (both positive and negative) for biodiversity.

2.1.4 ODPM states that better quality applications tend to be submitted where applicants have received advice and guidance prior to submitting their applications. Such advice and guidance can be given verbally in pre-application discussions or it can be provided in the form of supplementary planning guidance. Preparation of new SPD for biodiversity is likely to bring a range of benefits. These will include:

- Acting as a source of guidance to encourage and ensure that applicants compile and submit adequate information with their application to enable the LPA to determine it's biodiversity merits;
- Explaining what applicants will need to do in circumstances where their proposals may impact adversely on biodiversity OR where there are opportunities for enhancement;
- Enabling DC officers to follow a standard and agreed approach to the determination of planning applications so that they can reach well informed, systematic and lawful decisions and recommendations based on sound information;
- Enabling all involved to focus on the key issues and to clarify the format, type and level of information required to enable the application to be determined.
- Indicating the types of development activity that might give rise to adverse impacts on biodiversity or present opportunities for its enhancement;
- Indicate how the likely scale and significance of impacts and gains will be judged and tested against plan policies, objectives and targets;
- Indicate the weight to be attached to various biodiversity issues in the determination of planning applications;
- Outline how the key principles from PPS 9 can be applied in practice i.e. impact avoidance, mitigation and compensation and opportunities for biodiversity gains;
- Outline the likely survey and information requirements associated with various types of applications affecting various types of biodiversity resources;
- Identify key consultees and stakeholders whose recommendations and concerns should be taken into account - thereby reducing the likelihood of later delays;

- Better quality applications that consider biodiversity from the outset, enabling issues and problems to be addressed sooner rather than later and for the determination process to be straight forward;
- Early identification of seasonally dependent surveys so that they can be catered for in project scheduling;
- An opportunity to draw attention to all relevant statutory requirements for wildlife protection.

### **Biodiversity SPD Fit For Purpose**

- 2.1.5 In the past, a large number of planning authorities have produced supplementary planning guidance for nature conservation, but this has not always had a clearly defined audience or purpose nor been focused on the specific needs of its primary users.
- 2.1.6 Consequently, if there is merit to be had in producing new biodiversity SPD, it is important that it does have a clearly defined purpose and that it is fit to serve the purpose required by its primary audience.

### **Synergy With Other Planning Mechanisms: Planning Application Forms**

- 2.1.7 In its consultation document on new planning application forms,<sup>16</sup> ODPM proposes changes to the way that LPAs receive, validate and register planning applications. In summary, if an applicant does not provide sufficient information with their application, the LPA will be in a stronger position to either delay or reject its validation and registration<sup>17</sup> (until the necessary information is submitted) or to refuse the application outright. These new measures suggest that an LPA will be in a much stronger position to refuse inadequate applications where they have made clear to applicants the level of information that they require (*i.e.* through the provision of supplementary planning guidance).
- 2.1.8 This may be particularly relevant to biodiversity issues, where in many cases an LPA may receive an application that is deficient in ecological information. Any delay in determination of the application (while further information is collected and provided by the applicant) can affect detrimentally performance targets for determination of planning applications - that then counts against the LPA.
- 2.1.9 In contrast, with ODPM's new proposals for dealing with planning applications, there will be far greater encouragement and pressure on applicants to ensure that they provide adequate information with their application from the outset. With this in mind, Biodiversity SPD for Development Control offers an ideal opportunity to guide applicants over the information that they may need to include with their application.

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<sup>16</sup> ODPM (2005) Standard Application Form: Consultation Paper. March 2005.

<sup>17</sup> ODPM (2005) Best Practice Guidance on the Validation and Registration of Planning Applications. March 2005.

## 2.2 THE POTENTIAL SCOPE OF SPD FOR BIODIVERSITY

2.2.1 PPS 12 (paragraph 4.40) states that “*all matters covered in SPD must relate to policies in a development document*”.

### SPD and the Core Strategy

2.2.2 SPD relating to the Core Strategy could provide:

- (i) Background information to the UK BAP process and the England Biodiversity Strategy, and an outline of national, regional and local habitat and species action plans (especially those covered by S.74 CROW Act 2000).
- (ii) An explanation of the links between biodiversity and sustainable development;
- (iii) A brief description of relevant statutory requirements for wildlife conservation and protection in England, and especially where these have specific implications for or impose duties on local authorities in the exercise of their planning functions;
- (iv) The evidence base to support the proposed spatial vision for biodiversity, where such a vision may identify key features and areas to be protected from adverse impacts, and areas where there is greatest potential for significant biodiversity enhancements. Such a vision may be based on some or all of the following resources:
  - international and national sites
  - regional and local sites
  - ancient woodland
  - networks of natural habitats<sup>18</sup>
  - previously developed land ('brown field land')
  - protected species
  - habitats and species of principal importance to the conservation of biodiversity<sup>19</sup>
  - sites and areas identified for biodiversity enhancement
- (v) Additional evidence supporting the spatial vision may be text based describing the current status, distribution, extent and condition of the above biodiversity resources, along with key ecological processes upon which local biodiversity may be dependent. Also included, may be a statement on current trends in their condition and extent, and also possible future threats (i.e. inappropriate development or climate change) that may lead to deterioration in the quality, quantity or extent of these resources.
- (vi) Material to support and justify specific biodiversity objectives and targets for the conservation, restoration and enhancement of biodiversity, with particular emphasis on the key habitats and species found in the authority's area. This information should draw upon UK, regional and local biodiversity objectives set in biodiversity action plans. These objectives are likely to be strategic and will not be site specific, but may identify areas with the greatest potential. Natural Area Profiles may offer a source of information for identifying objectives and targets in the Core Strategy. Preparation of Habitat Opportunity Maps<sup>20</sup> may serve a similar purpose.
- (vii) A detailed explanation of how the vision, objectives and targets can be achieved through the various policies set in the Core Strategy (and other LDDs) and how these policies are to be applied.

<sup>18</sup> The network should include features that act as stepping stones and linear features and support the migration, dispersal and genetic exchange of wild species features as are covered by Regulation 37 of the Conservation (Natural Habitats &c) Regulations 1994

<sup>19</sup> Such habitats and species as are covered by Section 74 of the CROW Act 2000.

<sup>20</sup> Habitat Opportunity Maps have been prepared by Kent County Council to illustrate where efforts to enhance and extend particular habitats types are most likely to be successful – based on an analysis of suitable ecological conditions i.e. soil, drainage, geology and land use.

## SPD and Site Specific Allocations

### 2.2.3 SPD relating to the Site Specific Allocations may provide:

- (i) Design guides for habitat and species found on or around the specified site (see also more detailed information under *Design Guides for Biodiversity* below);
- (ii) Master plans that show conceptually how biodiversity issues will be need to be addressed by planning applicants in order to deliver relevant stated biodiversity objectives and targets for the site in question;
- (iii) Site and area development briefs that explain how any potential significant harm should be avoided, how effective mitigation and compensation should be achieved in situations where harm cannot be completely avoided, and how potential enhancements will should be achieved;
- (iv) Illustrations and practical examples of different developments of various types and scale, showing how these have taken full account of biodiversity by incorporating it effectively into the development proposals from the outset;
- (v) A detailed and reasoned justification that explains how the '*key principles*' from PPS 9 have been applied to site specific allocations for development. In providing this detail, such SPD may include:
  - up-to-date information on existing biodiversity resources on and around the site;
  - site specific objectives for maintaining and enhancing biodiversity on site;
  - a strategic approach to the conservation and enhancement of biodiversity in the wider environment around the site, taking account where appropriate of:
    - international sites
    - national sites
    - regional and local sites
    - ancient woodland and other important habitats
    - networks of natural habitats
    - previously developed land ('brown field land')
    - protected species and species of principal importance for biodiversity conservation
  - measures to ensure that development on specific site allocations can avoid causing harm to biodiversity;
  - adequate opportunities in the site allocation to ensure that effective mitigation and compensation is achieved where harm cannot be avoided;
  - special promotion of opportunities associated with site specific allocations that are well suited to the delivery of LDF targets for biodiversity enhancement.

*Note:* SPD for site specific allocations may require clear linkage to a carefully prepared biodiversity policy in the Site Specific Allocations document. Such policy is likely to be criteria-based and should define clearly the circumstances in which planning permission will, or will not, be granted for the site and should focus on achieving the outcomes required to meet the authority's spatial vision and objectives for biodiversity on that site.

### SPD and the Proposals Maps

#### 2.2.4 SPD relating to the Proposals Map could:

- i) Provide biodiversity data and evidence that justifies the designation of international, national, regional and local sites shown on the proposals map(s);
- ii) Explain the rationale behind the selection of areas shown and earmarked to deliver specific biodiversity conservation, restoration and enhancements objectives and targets;
- iii) Explain the rationale behind the identification of strategic networks of natural habitats;
- iv) Explain the rationale behind the mapping/selection of Area Action Plans that may be particularly sensitive to change *i.e.* climate change;
- v) Provide *Habitat Opportunity Maps* (as done by Kent County Council) based on landscape scale analysis of key areas of opportunity for biodiversity enhancement;
- vi) Provide maps showing distribution of Habitats of Principle Importance to Conservation (S.74 habitats<sup>21</sup>);
- vii) Provide maps showing areas known to support large or significant populations of Species of Principle Importance for Conservation (S.74 species<sup>22</sup>).

### SPD and Area Action Plans

#### 2.2.5 SPD relating to Area Actions Plans could:

- i) Provide a rationale for why the Area Action Plan is necessary and the specific biodiversity resources that it will conserve, restore or enhance and the objectives and targets that it will help achieve;
- ii) Explain why an area may be particularly sensitive to change or development, such as areas of significant biodiversity value (where these area may include cSACs, SPAs, Ramsar sites, SSSIs, NNRs, SINCS, RIGS?);
- iii) Establish the conservation and enhancement objectives for such action areas;
- iv) Explain how the protection of sensitive features in an Area Action Plan might be reconciled with sensitive development, and what form and type that development should take;
- v) Be used to identify key areas where biodiversity gains are to be sought;
- vi) Identify areas that contain biodiversity that could be particularly sensitive to the impacts of climate change;

### SPD and Other Development Plan Documents

#### 2.2.6 SPD relating to Other Development Plan Documents should

- i) Provide any additional specific biodiversity information (not covered in the SPD described above) to support the topic covered by that particular LDD; for instance this might be topic based such as for Minerals, Waste, Housing, Transport *etc.*

<sup>21</sup> List of habitats of principal importance for the conservation of biological diversity in England published by the Secretary of State for Environment, Food and Rural Affairs, in response to Section 74 (2) of the Countryside and Rights of Way Act 2000. [www.defra.gov.uk/wildlife-countryside/cl/habitats/index.htm](http://www.defra.gov.uk/wildlife-countryside/cl/habitats/index.htm)

<sup>22</sup> List of species of principal importance for the conservation of biological diversity in England published by the Secretary of State for Environment, Food and Rural Affairs, in response to Section 74 (2) of the Countryside and Rights of Way Act 2000. [www.defra.gov.uk/wildlife-countryside/cl/habitats/index.htm](http://www.defra.gov.uk/wildlife-countryside/cl/habitats/index.htm)

## SPD and Generic Development Control Policies

### 2.2.7 SPD relating to Generic Development Control Policies should:

- i) Elaborate on how criteria-based policies should be applied in the determination of planning applications that involve any of the following;
  - (a) international sites
  - (b) national sites
  - (c) regional and local sites
  - (d) ancient woodland and other important habitats
  - (e) networks of natural habitats
  - (f) previously developed land ('brown field land')
  - (g) protected species and species of principal importance for biodiversity conservation
  - (h) long term management of the above
- ii) Explain the weight to be attached to biodiversity issues in the determination of planning applications, and state any circumstances where the council would consider that the benefits of development might outweigh impacts on the protected site or feature covered by a specific biodiversity policy;
- iii) Establish a systematic and logical sequence of activities based on commonly understood DC planning functions by which biodiversity policies can be applied. This should ensure that development control decisions are based on adequate consideration of biodiversity issues.

## SPD and the Development Control Process

2.2.8 Biodiversity SPD for Development Control needs to be user friendly, and should be prepared for and targeted at the needs of the users at each stage of the development control process.

2.2.9 SPD should provide applicants with the necessary guidance to enable them to submit a valid planning application that addresses adequately all necessary biodiversity issues relating to the type and location of their development proposal. At the same time, SPD should provide the LPA and their consultees with sufficient guidance to enable them to assess thoroughly and consider fully the biodiversity implications for all relevant planning applications.

2.2.10 To achieve these dual purposes, SPD should be prepared to guide both applicants and planners through each stage of the process. For instance, if based on the functions shown in Figure 3, SPD could elaborate on some or all of the matters shown below:

### Guidance and Advice Prior To Submitting Planning Applications

- The level of biodiversity information to be included with common application types (*i.e.* barn conversions, householder, modest and major planning applications);
- The implications of not submitting sufficient information *i.e.* possible delays in validation, registration and determination of the application – or indeed refusal of the application on the grounds that it does not provide adequate information

### Pre-decision Assessments

- Consultations that may assist in identifying likely effects
- How to describe and characterise various types of proposed development so that they can be assessed for their implications on biodiversity
- How to identify whether particular biodiversity resources are likely to be affected (*i.e.* bats or barn owls in barn conversions or different types of habitat)
- How to make best use of desktop information and where to find it
- Extra surveys and what these should entail and to what level of detail
- Appropriate timing of specialist ecological surveys (highlighting relevant seasonal constraints)
- An outline of professional expertise that may be required for specialist surveys
- How to predict and describe the likely impacts arising from any proposed development
- How to assess the significance of predicted impacts

- How to identify appropriate mitigation and compensation for predicted impacts
- How to identify ways to maximise biodiversity benefits
- How to identify adequate levels of information required to determine an application
- How to use planning conditions lawfully when obtaining further ecological information after consent has been granted
- How to meet statutory requirements *i.e.* W&C Act, Hab. Regs., EIA Regs., CROW Act
- How to test application proposals against LDF policies, objectives and targets
- How to consider all relevant species licensing requirements prior to determination
- Circumstances for granting planning permission in accordance with criteria-based policies
- Circumstances for refusing unacceptable applications in accordance with criteria-based policies

#### **Implementation Of Development After Planning Consent**

- How to achieve adequate standards for biodiversity protection, mitigation, compensation and enhancement
- How to demonstrate and secure commitment to agreed measures for biodiversity
- Appropriate use and compliance with planning conditions and obligations
- Monitoring compliance with planning consent
- Measures available for enforcement where compliance is inadequate

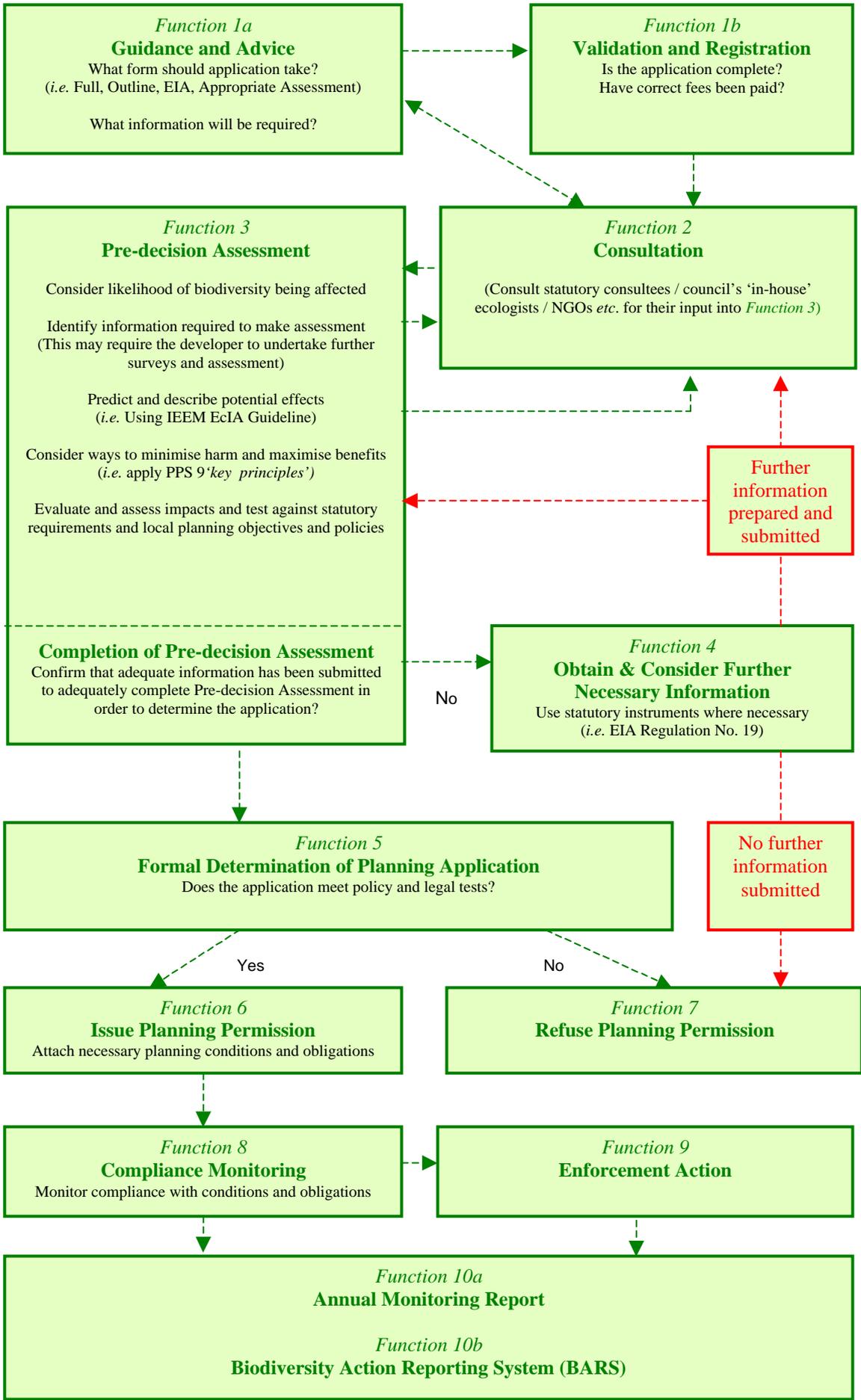
#### **Monitoring**

- How to monitor planning decisions with biodiversity implications and report these in Annual Monitoring Reports (AMR)
- How to report planning outcomes for biodiversity with the Biodiversity Action Reporting System (BARS)

#### **Using Tools and Checklists**

- How to use standard checklists, trigger lists, protocols, monitoring systems, model planning conditions, survey methodologies *etc.* to assist with standard tasks at each stage of the process

**Figure 3 Ten DC Planning Functions for Biodiversity**



### SPD for Biodiversity and Design Guides

- 2.2.11 At the core of any SPD should be design guidance for DC officers and developers that explains how biodiversity can and should be incorporated into new development.
- 2.2.12 SPD might therefore be prepared in the form of Biodiversity Design Guides for particularly important or high profile biodiversity species that are often encountered by new developments; such as bats, barn owls, great crested newts, badgers, water voles, breeding birds *etc.* Such design guides could also be prepared for important habitats and features that are often threatened by development, such as heathland, ancient meadows, hedgerows *etc.* These could be produced as a suite of electronic documents, or as a series of leaflets and small booklets.
- 2.2.13 Such guidance might be especially valuable as a source of information for applicants to ensure that they cover all necessary aspects when preparing their planning applications and when completing their planning application forms.
- 2.2.14 Biodiversity design guidance should explain how the 'Key Principles' from PPS 9 are to be applied in practice to the species, habitats and features chosen.
- 2.2.15 Design guidance might also be matched to particular forms of development *i.e.* housing, minerals, waste, *etc.* where each of these generate specific threats and opportunities for biodiversity.
- 2.2.16 Guidance could be used to supplement nationally available publications to explain how general principles are to be applied locally in the authority's area. For instance, design guidance for bats (perhaps in the form of a leaflet) could summarise or supplement *The Bat Mitigation Guidelines* (EN 2004), the *Bat Workers Manual* (JNCC 2004).

Biodiversity design guidance could:

- a) Be informed by the evidence base (with background information on the condition, abundance, distribution, threats, opportunities, trends relating to the particular species or habitat covered by the guidance);
- b) Provide practical guidance on the delivery of the spatial vision, objectives, targets and policies for the species or habitat covered;
- c) Provide specific information on the way that the 'Key Principles' from PPS 9 are to be applied to the species or habitat covered;
- d) Provide specific information on areas most suited to measures for enhancement of the species or habitat;
- e) Take account of the local implications of climate change on the species or habitat;
- f) Explain information requirements for determination of planning applications involving the species or habitat (and subsequent need for up to date survey information);
- g) Be applicable to most types of development to be considered by LPAs;
- h) Make clear the statutory requirements for development involving the species or habitat;
- i) Outline what constitutes wildlife crime and the penalties for committing an offence;
- j) Explain any information required prior to determination of a planning application likely to affect the species or habitat;
- k) Preferred or indicative measures (including details on scale and kind) for both enhancement, and for impact avoidance, mitigation and compensation;
- l) Explain the benefits of consultation with consultees and/or stakeholders (where appropriate);
- m) Provide illustrations, maps and case studies for particular types of development showing how they have dealt positively with the habitat or species;
- n) Explain the part that local communities may be able to play in conservation of the species or habitat;
- o) Provide a glossary of terms;
- p) Provide useful references (*i.e.* *The Bat Mitigation Guidelines*, EN 2004);
- q) Provide a list of useful contacts.

## 2.3 ALTERNATIVES TO BE CONSIDERED

### Choosing The Scope of SPD

- 2.3.1 In considering alternatives on how SPD should be prepared and published, a key issue is to decide whether one large document will suffice or whether several documents would be better. The previous sections provide a range of options for Biodiversity SPD and, for convenience, these are again listed below by type.
- a) SPD and the Core Strategy
  - b) SPD and Site Specific Allocations
  - c) SPD and the Proposals Maps
  - d) SPD and Area Action Plans
  - e) SPD and Other Development Plan Documents
  - f) SPD and Generic Development Control Policies
  - g) SPD for the Development Control Process
  - h) SPD and Design Guides for Biodiversity
- 2.3.2 These documents and the topics they cover are not mutually exclusive, although by setting out the possibilities in this way, it does demonstrate the wide potential purpose to be served by SPD under the new LDF system.
- 2.3.3 The government is keen to see neighbouring LPAs work collaboratively on the preparation of both LDFs and any consequent SPD on areas and topics of shared interest. In considering whether neighbouring planning authorities may be able to share SPD, the actual content of some documents is likely to be the same for more than one authority *i.e.* SPD covered under items *f*, *g* and *h* above might be sufficiently generic to serve several district, metropolitan or unitary authorities. In which case there may be merit in preparing one set of SPD for these topics capable of serving all of the relevant neighbouring authorities.
- 2.3.4 If the local authorities also agree a similar set of biodiversity objectives, targets and policies then SPD for item 'a' might likewise be shared. However, the aims, objectives, targets, site allocations and particular requirements of some other documents (*i.e.* those covered by items *b*, *c*, *d* and *e* above) may be specific to just one authority and may mean that at least some aspects of the SPD might need to be an '*individual effort*' so as to be fully fit for purpose (*e.g.* SPD to support a particular site allocation).

## **ANNEX A**

### **EXTRACTS FROM PPS 12 THAT INDICATE HOW BIODIVERSITY MAY BE INCORPORATED INTO LDFs**

## EXTRACTS FROM PPS 12 THAT INDICATE HOW BIODIVERSITY MAY BE INCORPORATED INTO LDFs

### Development Plan Documents

A.1 PPS 12 (pages 3 and 4) states:

*"Local planning authorities should adopt a spatial planning approach to local development frameworks to ensure the most efficient use of land by balancing competing demands within the context of sustainable development. Spatial planning goes beyond traditional land use planning to bring together and integrate policies for the development and use of land with other policies and programmes which influence the nature of places and how they function. This will include policies which can impact on land use, for example, by influencing the demands on or needs for development, but which are not capable of being delivered solely or mainly through the granting of planning permission and may be delivered through other means.*

*"Local planning authorities should therefore take account of the principles and characteristics of other relevant strategies and programmes when preparing local development documents and in particular the core strategy".*

A.2 PPS 12 provides a list of the sorts of strategies that should be considered; these include those for community strategies and for biodiversity.

**Note:** For biodiversity, this could involve drawing upon relevant information, objectives and targets from any or all of the following documents:

- UK Biodiversity Action Plans
- England Biodiversity Strategy
- Regional Biodiversity Initiatives and Strategies
- Local BAPs

A.3 *"The LDF should be a key component in the delivery of the community strategy"* ... and Local Biodiversity Action Plans (which should be subsumed into the Community Strategy)<sup>23</sup>, should be included as an element within an authority's Community Strategy.

### Core strategy

A.4 These will set out the spatial vision, spatial objectives, policies and a monitoring and implementation framework for a local authority area. Core strategies should:

- Contain a clear spatial vision, from which spatial objectives, strategic policies, monitoring and implementation frameworks flow;
- Be guided by sustainable development principles
- Be linked to sustainable communities agenda
- Be in general conformity with regional spatial strategies
- Specific land allocations should not be set out in the core strategy.

A.5 PPS 12 page 7 states:

*"The core strategy should set out the key elements of the planning framework". ..."comprised of a spatial vision and strategic objectives".*

**Note:** The spatial vision and objectives should include: sites, species, etc (*i.e.* list of features discussed in PPS 9 - so that criteria based policies can be formulated to achieve this vision and the objectives).

<sup>23</sup> See Section 48 of Circular 04/2001 The Countryside and Rights of Way Act (2001)

A.6 PPS 12 page 8 states:

*"The core strategy should contain clear and concise policies for delivering the strategy which apply to the whole of the area of the LPA's area or to locations within it, but should not identify individual sites. These should be dealt with under site-specific allocations development plan documents or area action development plan documents. However, where it can be justified that it is not possible to identify site-specific allocations to meet the identified needs of the area, criteria based policies should be set out in the core strategy to establish the framework for assessing any unforeseen proposals, such as windfall development. Examples of such policies are contained in Policies for Spatial Plans (POS)"*

### Site Specific Allocations and Policies

A.7 PPS 12 page 8

"Where land is allocated for specific uses, this should be made in one or more development plan documents. The identification of sites should be founded on robust and credible assessment of the suitability, availability and accessibility of land for particular uses or mix of uses".

*Policies relating to the delivery of site specific allocations, such as critical access requirements, or broad design principles which may be sought, must be set out in a development plan document. They may be in the site allocation(s) development plan document(s), in area action plan or in a separate development plan document. They should not form part of the core strategy. Where the policy requirement is set out for land allocated in a development plan document, greater policy details may be included in SPD, for example a development brief or design brief."*

### Action Area Plans

A.8 PPS 12 page 9 states:

"Action area plans should be used to provide the planning framework for areas where significant change or conservation is needed. A key feature of area action plans will be the focus on implementation. They should focus on:

- i) ...
- ii) ...
- iii) *protect areas particularly sensitive to change".*
- iv) ...

*"In areas of conservation, area action plans should set out the policies and proposals for action to preserve or enhance the area, including defining areas where specific conservation measures are proposed and areas which will be subject to specific controls over development".*

A.9 PPS 12 Companion guide page 20 paragraph 3.6 states that Area Action Plans:

*"should focus upon implementation, providing an important mechanism for ensuring development of an appropriate scale, mix and quality for key areas of opportunity, change or conservation"... And... "Action Plans or area strategies with a geographic or spatial dimension will benefit from having development plan status as area action plans in contrast to their previous status as supplementary planning guidance".*

*And continues*

*"Area action plans could be relevant in a wide range of circumstances:*

- *Areas of significant development opportunity*
- *Areas where development is desirable but not forthcoming*
- *Areas that are particularly sensitive to change or development, such as areas of significant natural or cultural heritage value. Plans for such areas would establish the conservation and enhancement objectives and how these might be reconciled with sensitive development.*

- Areas of multiple ownerships subject to particular dev pressures
- Areas of multiple ownerships subject to particular change
- Focusing the delivery of area based initiatives
- Minerals and waste action plans

### Adopted Proposals Maps

A.10 PPS 12 page 10 paragraph. 2.21 states:

*“The adopted proposals map should:*

- (i) *identify areas of protection, such as nationally protected landscapes and local nature conservation areas, Green Belt land and Conservation Areas.*

### Illustrative Material on Proposals Map(s)

A.11 Local authorities may include a Key Diagram; this is a diagrammatic interpretation of the spatial strategy.

A.12 PPS 12 Annex A page 61 adds that *“the Adopted Proposals Map may show any of the following where these are contained in the policies and proposals of the relevant development plan documents”* (which are extracted from a much longer list):

- *nationally designated areas such as SSSIs*
- *areas subject to specific design initiatives*
- *areas of more regional or local significance for biodiversity and where biodiversity will be enhanced;*

### Generic Development Control Policies

A.13 PPS 12 page 11 paragraphs 2.28 and 2.29

*“These can be included in any types of development plan document. There should be a limited range of policies which set out the criteria against which planning applications should be considered. Policies provide the certainty and guidance that communities, stakeholders and the commercial sector need”.*

*“The focus should be on topic-related policies such as protecting ... protecting landscape and natural resources; nature conservation; ...”*

*“Generic policies should not repeat national policy statements but should explain how they apply to the local area. Policies should define clearly the circumstances in which planning permission will, or will not, be granted and should focus on achieving the outcomes required to meet the authority’ spatial vision”.*

### Supplementary Planning Documents

A.14 PPS 12 ‘Local Development Frameworks’ (Page 14) sets out the requirements and context for the preparation of SPDs; it states:

*“Supplementary Planning Documents will not be subject to external examination, and will not form part of the statutory development plan. However, they should be subjected to rigorous procedures of community involvement”.*

*SPD may cover a range of issues, both thematic and site specific, which may expand policy or provide further details to policies in a development plan document. They must not, however, be used to allocate land. SPD may take the form of design guides, area development briefs, master plans or issue based documents which supplement policies in a dev plan doc. The following principles apply:*

- (i) *it must be consistent with national and regional planning policies as well as the policies set out in the development plan documents contained in the local development framework;*

- (ii) *it must be clearly cross-referenced to the relevant development plan document policy which it supplements (or, before a relevant dev plan doc has been adopted, a saved policy);*
- (iii) *it must be reviewed on a regular basis alongside reviews of the development plan document policies to which it relates; and*
- (iv) *the process by which it has been prepared must be made clear and a statement of conformity with the statement of community involvement must be published with it.*

*SPD may contain policies which expands or supplements the policies in development plan document. However, policies which should be included in a development plan document and subjected to proper independent scrutiny in accordance with the statutory procedures should not be set out in SPD”.*

A.15 The Companion Guide to PPS 12 page 23 states:

*“These can demonstrate through illustration, text, and practical examples how policies can be taken forward. SPDs can include design guides, site development briefs, issue or thematic-based documents”.*

### **Sustainability Appraisal and Strategic Environmental Assessment**

A.16 PPS 12 page 24 states:

*“The potential direct, indirect and cumulative impacts of different policy options need to be identified and appraised in order to integrate sustainable development objectives in the formulation of policy decisions on which options should be promoted in local development documents”.*

### **Climate Change**

A.17 PPS 12 Annex B pages 68 and 69

*“Climate change is a significant environmental threat, the effects of which will be increasingly felt in future years. The Government attaches great importance to acting on a precautionary basis to reduce the emissions that cause climate change and to prepare for its impacts”.*

*“Climate change could have significant consequences”.*

*“Local planning authorities should seek first to avoid, or where this is not possible seek to reduce, the effects of development on climate change and vice versa. LDDs should therefore include policy on:*

- (iv) *the way that the distribution of nationally or regionally significant species and habitats may alter with climate change, and the effects of biodiversity and nationally or internationally designated sites”.*

## **PREPARATION OF LDDS**

### **Information Required Pre-production**

A.18 PPS 12 page 32 refers to the information required for plan preparation. This is the *Evidence Base*. PPS 12 states:

*“Policies prepared by the local planning authority should be founded on a thorough understanding of the needs of their area and the opportunities and constraints which operate within that area. LPAs should prepare and maintain an up-to-date information base on key aspects of the social, economic and environmental characteristics of their area, to enable the preparation of sound spatial planning meeting the objectives of sustainable development. LPAs are required to keep under review the following matters:*

- i) *the principal physical, economic, social and environmental characteristics of their area;*
- ii) *the principal purpose for which land is to be used;*
- iii) *the size .. of population*
- iv) *communications and transport*
- v) *any other considerations which may be expected to affect those matters”.*

A.19 PPS 12 paragraph 4.10 states:

*“County councils are responsible for keeping under review and making available to local planning authorities all matters in relation to i, iii, and v above”.*

A.20 PPS 12 paragraph 4.11 states:

*“At the earliest stage in the preparation of the development plan document, and particularly for preparation of the core strategy, the local planning authority should gather evidence about their area”....and ... “This may include studies to be undertaken or commissioned on for example ...the natural habitats in the area...”. and... “This evidence base will be relied upon by the local planning authority in testing the soundness of the development plan document at independent examination”.*

A.21 The Companion Guide page 28 states:

*“Survey and evidence gathering – a comprehensive evidence base is a vital aspect of local development plan preparation”.*

A.22 The Companion Guide page 34 adds:

*“Comprehensive survey and monitoring information will be needed to develop evidence bases which help authorities to identify opportunities, constraints and issues for their area”... and...”The stronger the evidence base, the more robust the local development framework is likely to be”.*

*“Although a broad evidence base is desirable, authorities will need to adopt realistic approaches, drawing upon existing sources of information where possible”.*

*“Information underpinning the evidence base should be up-to-date, and this may require further survey work”.*

### Review and Monitoring of LDDs

A.23 PPS 12 Pages 48 and 49 state:

*“LPAs must develop monitoring systems to assess the effectiveness of local development documents”. This should include an assessment of:*

- i) ...
- ii) *what impacts the policies are having in respect of national, regional and local policy targets and any other targets identified in LDDs.*
- iii) ....

A.24 PPS 12 paragraph 4.51 states:

*“County councils have a key role to play in assisting local planning authorities to develop and maintain an effective information base”.*

A.25 PPS 12 paragraph 4.52

*“LPAs should seek to integrate their approach to monitoring and survey with other local initiatives”.*

**Note:** This could involve integration of LDD monitoring with the national Biodiversity Action Plan Reporting System (BARS).

A.26 The Companion Guide page 128 and 129 states:

*“In terms of policy implementation, authorities will need to develop robust monitoring systems to judge the effectiveness of local development documents. This will include:*

- *assessing actual progress in terms of spatial objectives, policies, targets and milestones, and reasons for the pace of progress;*
- *considering planning policy implementation against national, regional, local and other targets;*

*Monitoring requires a set of appropriate indicators against which to monitor actual progress. These should be objectives led.*

*As a means of assessing policy implementation, authorities should consider using trajectories to demonstrate past and likely future performance.*

A.27 The Companion Guide Page 130 paragraph 11.4.4 states:

**Re Significant sustainability effects** *“Annual monitoring reports could include information on the significant sustainability effects of the plan”.*

A.28 The Companion Guide paragraph 11.4.6 states:

**Re integration with other strategies** *“... there can be linked or shared monitoring approaches, targets, and indicators used by both initiatives...” and “PSA targets are also a potential source of objectives, targets and indicators”.*

### Local Development Scheme: Process for Preparing SPD

A.29 PPS 12 paragraph 4.39 states:

*“Local planning authorities should set out in their local development scheme any SPD which they propose to prepare, including indicating which DPP they are supplementing and the timetable for preparation”.*

A.30 PPS 12 paragraph 4.41 states:

*“All matters covered in SPD must relate to policies in a development plan document or a saved policy in a development plan”... “Where the detail to be provided in the SPD is fundamental to early delivery of policies in a DPD, it may be usefully be prepared in parallel with that document”... and ...” the local authority will need to undertake community involvement”.*

A.31 PPS 12 paragraph 4.41 states:

*“When the local planning authority publishes the draft SPD it should be accompanied by a sustainability appraisal and a statement setting out how it has complied with requirements for community involvement. The consultation period on SPD should not be less than 4 weeks and not more than 6 weeks”.*

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