

DECISION ITEM

| REPORT OF | MEETING | DATE | ITEM NO |
|----------------------------------|--------------------|-------------------|---------|
| DEVELOPMENT SERVICES DIRECTORATE | PLANNING COMMITTEE | 11 SEPTEMBER 2019 | 5 |

FYLDE BIODIVERSITY SUPPLEMENTARY PLANNING DOCUMENT (SPD)

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The Fylde Biodiversity Supplementary Planning Document (Appendix 1) is presented to members' for adoption. The Fylde Biodiversity SPD gives the Council support in its implementation of policies that seek to achieve 'net gain' in the biodiversity of the area. The Fylde Biodiversity SPD describes the Designated Sites and the Lancashire Ecological Network. It provides an overview of Fylde's Natural Assets and provides detailed guidance in relation to Biodiversity and the planning application process. Appendices 2-6 provide detailed guidance for applicants on local requirements for sites, habitats, networks and protected species. Ecological survey seasons and suggested content of ecological surveys are set out in detail, along with how to deal with ecological issues in the planning process.

A summary of the results of the Draft SPD consultation and how these have been incorporated are set out in the Summary of Representations, which is also provided for members (Appendix 2).

A copy of the Screening Opinion carried out on the Draft Biodiversity SPD is also provided (Appendix 3) for members' information.

The Fylde Biodiversity Supplementary Planning Document is presented to members for adoption.

Once adopted this Biodiversity SPD will be afforded significant weight as a material consideration in determining planning applications.

RECOMMENDATIONS

1. That the results of the Screening Opinion conducted on the Draft Fylde Biodiversity SPD are noted, as set out in Appendix 3.
2. That the responses of the Draft Fylde Biodiversity SPD consultation are noted, as set out in the Summary of Representations (Appendix 2).
3. The Fylde Biodiversity Supplementary Planning Document (Appendix 1) is adopted for development management purposes.

SUMMARY OF PREVIOUS DECISIONS

27th February Planning Committee approved the Draft Fylde Biodiversity Supplementary Planning Document for consultation.

14th November Planning Committee approved the Biodiversity Supplementary Planning Document (Scoping) for consultation.

10th September 2018 Planning Committee approved the LDS 2018 which states that the Council will commence work on four Supplementary Planning Documents. These are the Affordable Housing, Good Design, Healthy Living and Biodiversity SPDs.

| CORPORATE PRIORITIES | |
|--|---|
| Spending your money in the most efficient way to achieve excellent services (Value for Money) | √ |
| Delivering the services that customers expect of an excellent council (Clean and Green) | √ |
| Working with all partners (Vibrant Economy) | √ |
| To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live) | √ |
| Promoting Fylde as a great destination to visit (A Great Place to Visit) | √ |

REPORT

- Supplementary Planning Documents (SPDs) are a way of providing further detail to the policies presented in Local Plans. They can be used to provide guidance for the requirements of Local Plan policies for specific situations or types of development, or on particular issues such as biodiversity. In this case, an SPD can provide greater detail and clarity than is provided in the Fylde Local Plan to 2032.
- The Biodiversity SPD is one of the four initial SDPs proposed to support policies set out in the Fylde Local Plan to 2032, adopted on the 22nd October 2018. The Fylde Biodiversity SPD describes Fylde's Natural Assets and provides detailed guidance for applicants on Biodiversity and the planning application process.

THE FYLDE BIODIVERSITY SPD

- Matters covered in the Fylde Biodiversity SPD document include:
 - Recent changes to the planning practice guidance and the expectation that development will achieve a net gain in Biodiversity.
 - An overview of Fylde's Natural Assets in particular the International and European designations.
 - Biodiversity and the planning application process.
 - The mitigation hierarchy of avoidance, mitigation and compensation. Examples of avoidance, mitigation and compensation for developments not subject to the Habitat Regulations and development which is subject to the Habitat Regulations are provided.
- The Biodiversity SPD was originally requested by Natural England in order to provide examples of mitigation and compensation for development subject to the Habitats Regulations. It is also considered necessary in order to provide detailed guidance for developers on the process to be followed from the very early stages of consideration of a planning application through to the application process and what may be required in relation to the mitigation hierarchy as part of the decision.

PREVIOUS CONSULTATION

- The first stage of producing an SPD is to consult on the content of the SPD, termed a "scoping" consultation. The results of this consultation were set out in the Summary of Representations and presented to Planning Committee on the 27th of February 2019. Following this, and the completion of a screening opinion for Sustainability Appraisal and Habitats Regulation Assessment, which is included as Appendix 3, a public consultation was undertaken for 4 weeks from the 11th July to 8th August 2019. Eight responses were received from a variety of respondents, including Natural England, Lancashire Wildlife Trust, The Environment Agency and United Utilities. Three responses were 'no comment'. Appendix 2 summarises the responses, states the change the response was requesting and sets out what will be incorporated in the final Biodiversity SPD as a result of the response.
- Since the consultation closed there has been on-going dialogue with Natural England to ensure that the Biodiversity SPD reflects the latest policy guidance and legislative interpretation. Also the Planning Practice Guidance was revised in July 2019, again this has resulted in further necessary revisions.
- For a majority of the responses it has been possible to incorporate the correction or additional information into the Biodiversity SPD. Paragraph numbers have changed during the re-drafting therefore alterations are not necessarily in the paragraph quoted in the consultee's response.

NEXT STEPS

8. Subject to approval by the Planning Committee it is proposed that the Fylde Biodiversity SPD will be adopted with effect from the 11th September 2019. It will then be afforded significant weight as a material planning consideration in the determination of planning applications.

| IMPLICATIONS | |
|---|---|
| Finance | There are no financial implications arising directly from this report |
| Legal | The Biodiversity SPD will be adopted in accordance with Regulation 14 of The Town and Country Planning (Local Planning) (England) Regulations 2012. |
| Community Safety | None |
| Human Rights and Equalities | The Biodiversity SPD will not impact human rights and equalities |
| Sustainability and Environmental Impact | The Biodiversity SPD will improve sustainability and biodiversity of new development. |
| Health & Safety and Risk Management | None |

| LEAD AUTHOR | CONTACT DETAILS | DATE |
|----------------|---|-------------------|
| Julie Glaister | Julie.glaister@fylde.gov.uk Tel: 01253 658687 | 11 September 2019 |

Attached documents:

Appendix 1: Fylde Biodiversity Supplementary Planning Document (September 2019)

Appendix 2: Summary of Representations Received on the Draft Fylde Biodiversity Supplementary Planning Document

Appendix 3: The Screening Opinion carried out on the Fylde Biodiversity Supplementary Planning Document

| BACKGROUND PAPERS | | |
|------------------------------|-----------------------|--------------------------------|
| Name of document | Date | Where available for inspection |
| Fylde Draft Biodiversity SPD | 11 th July | Council's website |