

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	27 FEBRUARY 2019	4
DRAFT BIODIVERSITY SUPPLEMENTARY PLANNING DOCUMENT			

PUBLIC ITEM

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

SUMMARY

The Draft Biodiversity Supplementary Planning Document (Appendix 1) is presented for members' agreement, prior to further work and sustainability appraisal. The Biodiversity SPD gives the Council support in its implementation of ENV1 and ENV2 of the Local Plan. It also provides Criteria and Indicative Thresholds (a Trigger List) for when a Survey and Assessment are required, suggested content of Ecological Surveys and also sets out the methodology for dealing with ecological issues via the planning application process. The SPD also includes more detail with respect to the mitigation hierarchy and International and European Sites.

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

Officers will continue to work on the draft SPD, sustainability appraisal will be carried out and a screening opinion will be sought. The draft SPD will then be put out for consultation, members will have a further opportunity to consider the SPD later in the year in the light of any comments received as a result of the consultation exercise.

RECOMMENDATIONS

1. That the results of the consultation into the Biodiversity SPD (Scoping) as set out in the Summary of Representations (Appendix 2) be noted.
2. That the Draft Biodiversity Supplementary Planning Document (Appendix 1) be approved for further work, Sustainability Appraisal, and a screening report prior to being issued for public consultation.

SUMMARY OF PREVIOUS DECISIONS

14th November 2018 Planning Committee approved the Biodiversity SPD Scoping document for public 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) provide greater clarity as to the requirements of Local Plan policies for specific situations or types of development. SPDs may not make policy, but rather provide guidance on the application of the policies contained in the adopted Fylde Local Plan to 2032.
- The Biodiversity SPD is proposed to be one of the initial suite of four SPDs produced to support the policies of the recently adopted Local Plan. The Biodiversity SPD was requested by Natural England because they requested a SPD to set out the requirements for mitigation, with respect to the International and European Sites as part of their consultation response to the Local Plan.
- The Biodiversity SPD is considered necessary for a number of reasons:
 - To provide more detailed information about the types of mitigation and compensation expected in relation to development that impacts on the International and European sites, as requested by Natural England as part of a consultation response on the Local Plan.
 - To provide more detailed information for planning applicants on designated sites, and the Lancashire Ecological Framework as well as an overview of Fylde's Natural Assets.
 - Although planning applications are put through a process, with respect to Biodiversity this is currently not set out in detail for applicants. Section 7 Biodiversity and the Planning Application Process describes in detail when surveys and assessments are required for designated sites, priority habitats and ecological networks, priority and protected species. Detailed information is also provided on the content of surveys and assessments and when they should be carried out.
 - Biological Heritage Sites (BHS) surveys are out of date and there will be a new requirement for a baseline survey if it is considered that a development will impact on a BHS.
 - More detailed information on the mitigation hierarchy and enhancement of sites is needed.
 - Listed building consents, permitted development rights and prior notification and or/approvals for demolition, tree preservation order consents and nationally significant infrastructure all have implications for Biodiversity.
 - Invasive species of plants should be eradicated from development sites and other invasive species should not be planted in Lytham St Annes because they could spread to the sand dunes, a list of invasive species is included in the SPD.
 - Declines in swifts and farmland birds need to be highlighted as an issue.

Previous Consultation

- The first stage of producing an SPD is to consult on what the SPD should contain, termed a "scoping" consultation. The results of the consultation are set out in the Summary of Representations (Appendix 2). There were 14 responses 4 of which were no comment. Natural England and the Lancashire Wildlife Trust both provided very comprehensive and detailed responses, as did the Fylde Bird Group and Mr Rowson. Appendix 2 summarises the responses (in the order provided by the Scoping Report), states the change that the response was requesting and sets out what will be incorporated in the SPD as a result of the response.

5. For most of the responses it is possible to incorporate the text requested/correction in the Biodiversity SPD. However, there were some requests which are considered to be beach management (rather than a matter than can be addressed via a planning decision). Beach management is covered by other council documents e.g. the Sand Dunes Management Plan. Also agricultural practices in relation to the conservation of farmland birds cannot be controlled by the planning system. However, this is an important issue that is highlighted by the SPD and the Council will be supportive of any initiatives to improve biodiversity for farmland birds.

The Draft SPD

6. The draft SPD starts by describing the legislative framework, national and local. Designated sites, the Lancashire Ecological Network and Nature Improvement Areas are included. Section 6 is an overview of Fylde's assets, in particular the Ribble and Alt Estuaries SPA (special protection area). The designations on this area, both International and European recognise the importance of the Ribble Estuary as a habitat for migratory birds as it supports one of the biggest wintering and passage populations of wading birds in Britain. Fylde also contains a wealth of other biodiversity, particularly in the rural areas.
7. Section 7 of the SPD describes in detail how Biodiversity should be addressed through the planning process. It sets out when surveys and assessments are required (in general), when they are required for designated sites and priority habitats, for ecological networks and for protected and priority species. This section also sets out what should be included in these various different surveys and what time of the year they should be carried out. Finally Section 7, provides detail on the mitigation hierarchy that is, avoiding harm, mitigating harm and finally compensating for loss, with a separate sections on the International and European sites.
8. Information on the enhancement of development sites is provided along with guidance relating to Listed Buildings and Permitted Development Rights. Permitted Development includes Barn Conversions which can impact on Bats and breeding birds. Advice is also provided for Prior Notifications and/or Approvals for Demolition, Tree Preservation Order consents, Invasive Species and Choice of Planting in Landscaping Schemes.
9. Declines of Swifts and Farmland Birds are also highlighted as issues. Fylde Bird Club are going to monitor swifts this summer and feedback any information about nest sites. This evidence is needed to inform decisions about requirements for provision of nest sites in new buildings. There are seven appendices to the SPD:
 - Appendix 1 Planning Policies from the adopted Fylde Local Plan to 2032;
 - Appendix 2 Local Requirements for Designated Sites, Priority Habitats, Ecological Networks and other biodiversity features;
 - Appendix 3: Local requirements for Protected Species: Criteria and indicative Thresholds (Trigger List) for when a survey and assessment are required;
 - Appendix 4: Ecological Survey Seasons;
 - Appendix 5 Suggested Content of Ecological Surveys;
 - Appendix 6 Dealing with Ecological Issues in the Planning Process
 - Appendix 7 Sources of Information and Web Resources
 - Appendix 8 Glossary

Next Steps

10. Officers will continue to work on the SPD and Sustainability Appraisal and a screening opinion on the requirements for Habitats Regulations Assessment will be sought. The draft SPD will then be put out for consultation, members will have a further opportunity to consider the SPD later in the year in the light of any comments received as a result of the consultation exercise.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report
Legal	The SPD will undergo consultation in accordance with Regulations 12 and 13 of The Town and Country Planning (Local Planning) (England) Regulations 2012
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	The Biodiversity SPD will promote sustainable development and reduce environmental impact by clarifying requirements with respect to Biodiversity.
Health & Safety and Risk Management	None

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection

Attached documents

Appendix 1: Fylde Council Draft Biodiversity Supplementary Planning Document

Appendix 2: Summary of Representations Received on the Biodiversity Supplementary Planning Document (SPD):
Scoping Consultation