

Local Development Framework Briefing Paper Biodiversity and Geological Conservation



Devon County Council's advice to Local Planning Authorities.

This is one of a series of briefing papers prepared by Devon County Council to assist the preparation of Local Development Documents.

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Local Planning Authorities are requested to take the following matters into account in preparing their Local Development Frameworks and other documents:

1. ***The Core Strategy should set out a Spatial vision and strategic objectives for the maintenance and enhancement of biodiversity and geology with an accompanying core / headline policy.***
(see Section 4a)
2. ***Generic Development Control Policies should guide development so that it:***
 - a) *Avoids adverse impacts on features of nature conservation importance*
 - b) *Secures appropriate mitigation and compensation where harm cannot be avoided.*
 - c) *Contributes to the enhancement of nature conservation interests through the appropriate management and restoration of sites, or creation of new features.**(see Section 4b)*
3. ***Site specific allocations should be based on:***
 - a) *Up to date information on existing biodiversity and geological resources;*
 - b) *Maintaining and enhancing nature conservation interests through no net loss;*
 - c) *A strategic approach to the conservation and enhancement of nature conservation;*
 - d) *The achievement of opportunities for the enhancement of biodiversity and geological interests at the most suitable locations.**(see Section 4c)*
4. ***A Proposals Map should identify internationally, nationally and locally designated nature conservation sites and features to be protected and, as far as practical, specific areas where biodiversity and geological interests should be enhanced.***
(see Section 4d)
5. ***For areas of particular nature conservation sensitivity or where significant opportunities exist for nature conservation gains it may be appropriate to prepare Area Action Plans.***
(see Section 4e)

Partnership Working

Devon County Council wishes to work in partnership with District Councils, in further developing the above policy areas with colleagues and other organisations and would wish to be fully involved in any discussion relating to them. (see Section 5)

1. Introduction

Local Planning Authorities have a statutory duty to protect and positively enhance biodiversity and geodiversity under Section 40 of the *Natural Environment and Rural Communities Act 2006*. National policy guidance on this topic is *provided through Planning Policy Guidance (PPS9) – Biodiversity and Geological Conservation*.

The *Devon Biodiversity Action Plan (BAP)*, which is co-ordinated by the County Council on behalf of the Devon Biodiversity Partnership, provides a collective agenda for the conservation and enhancement of Devon's wildlife and natural features. The County Council's own contribution and commitment to this process is set out through its own *Biodiversity Role and Action Programme*.

The term biodiversity embraces all species, communities, habitats and ecosystems, whereas the term geology (or 'geodiversity') is shorthand for all features of geological and geomorphological interest including rocks, fossils, landform and the natural processes which create them. These two topics have traditionally been referred to under the umbrella term of 'nature conservation'.

This briefing paper addresses those conservation issues in which Devon County Council has a specific role or interest and which it believes should also be carefully addressed by each District Council through the preparation, implementation and monitoring of its own LDF. The guidance provided by this briefing paper is intended to assist in achieving a position where:

- Consistent and effective approaches to the assessment and monitoring of biodiversity and geological conservation interests are adopted by local authorities across Devon;
- In providing for new development, the key elements of Devon's biodiversity and geological resource are appropriately protected, managed and conserved.
- All Devon LDFs promote the enhancement of these resources through restoration, recreation and improved connectivity, in line with BAP targets and the Regional Nature Map (see Appendix 2).

The adoption of such a proactive approach to the conservation of biodiversity and geological interests through LDFs is consistent with the new biodiversity duty placed upon local authorities. The most effective implementation of these policy areas is likely to be achieved through collaboration or partnership working with other agencies and organisations, such as Natural England, the Environment Agency and the Devon Wildlife Trust.

2. Vision for the future

A spatial vision for biodiversity and geology is to:

- ❖ ***Maintain the net biodiversity / geological resource of the area, whilst conserving its quality, character, diversity and local distinctiveness, and***
- ❖ ***Enhance this wildlife and geological resource by seeking opportunities for sympathetic management, restoration, (re-)creation or increased linkage in line with targets set out through BAPs.***

This vision is consistent with that recognised through the *UK Biodiversity Action Plan*, through Government planning guidance in PPS9 and through the relevant policies (particularly ENV1 to ENV4) of the *Draft Regional Spatial Strategy for the South West* (June 2006).

Importantly, the successful achievement of this vision requires environmental interests to be integrated with social and economic objectives in order to provide for sustainable development. In this way, biodiversity and geodiversity might support economic diversification, help to create a high quality environment and so contribute to a better quality of life.

3. Key Issues to Address

In preparing the LDF, there are a number of key issues which require particular consideration, in order to guide the specific content of the various Local Development Documents:

a) **Monitoring of biodiversity and geological conservation objectives**

The effective achievement and monitoring of biodiversity and geological conservation objectives through LDFs is reliant upon a robust evidence base. Readily available data-sets and monitoring systems provide this for nationally/internationally designated sites. However, the comparable systems are much less-well developed for non-statutory sites and other wildlife / geological interests, with significant gaps in the base-line data.

The Devon Biodiversity Record Centre (DBRC) provides the main repository for data relating to local nature conservation designations, the extent and location of BAP habitats and notable / protected species in Devon. However, the availability and quality of such data is reliant upon county-wide support for existing 'local site' systems (i.e. those partnerships which co-ordinate the survey and selection of County Wildlife Sites and County Geological Sites, in a manner consistent with the new Defra guidance) and co-operation between the many voluntary recording groups who gather information about Devon's environment.

The involvement and support of local authorities is vital to the effective operation of DBRC as a partnership venture, with this offering a practical and cost-effective option for the establishment of coherent monitoring systems to document future changes and trends.

There remains a pressing need to develop new arrangements for the monitoring of key ecological and geological assets, so that these might be used by LDF annual monitoring reports. In order to achieve this, a monitoring protocol should be devised for non-statutory sites and a number of other biodiversity / geological indicators, to supplement the data already available for SSSIs. Effective partnership and funding arrangements will need to be put in place to support this process, which might be co-ordinated through DBRC.

b) **Adopting the principle of no net loss of environmental assets**

There is a need to operate the principle of no net loss of biodiversity and geological resources in providing for development to meet the general aims of environmental sustainability in Devon. This is essential in order to safeguard and maintain the current extent of environmental assets, although their precise form and distribution will have to change to accommodate appropriate development.

The successful adoption of this principle will require LDFs to advocate a far more comprehensive consideration and treatment of conservation interests in providing for development, so that: potential losses of, or damage to, biodiversity and geological assets are properly identified and avoided or minimised as far as practical; appropriate mitigation sought for any unavoidable impacts; any loss or damage is compensated through off-setting actions. A 'balance sheet' approach could be built into the development control process for all development proposals affecting such environmental assets.

c) **Enhancing biodiversity interests rather than simply maintaining existing resources**

The established principles for nature conservation set out through national planning policy and the Government's *Biodiversity Strategy for England* highlight the key role of enhancing biodiversity interests rather than simply maintaining existing resources. A spatial framework for the targeted enhancement of biodiversity interests is provided by the South West Nature Map (see Appendix 2).

LDFs have a fundamental role in establishing a clear spatial strategy for the achievement of biodiversity enhancement at the local level, linking the land-use planning and development process to broader elements of spatial planning. For this reason, the objectives and targets of Biodiversity Action Plans need to be properly integrated within LDFs (including consideration of geological interests, which are covered by the Devon BAP).

d) Recognition that nature conservation concerns must be addressed at a landscape scale

Nature conservation effort can no longer focus purely upon key sites. Instead, biodiversity and geodiversity interests have to be addressed at a landscape scale. Such an approach will help to ensure robust and properly functioning ecosystems, where wildlife interests are not confined to isolated reserves, but integrated and properly connected throughout the wider landscape (i.e. based on sustainable land management practices over broad areas, with strong ecological connections between key localities). This is particularly important to enable ecological interests to adapt to the likely environmental pressures resulting from climate change.

For this reason, LDFs should seek to reverse the fragmentation of areas of nature conservation interests across Devon and ensure that sufficient weight is given to future conservation needs in providing for current development pressures.

4. The Content of LDFs

The suggested minimum standards on how biodiversity and geological conservation matters should be taken into account by District Council's in the preparation of their Local Development Documents are:

a) Core Strategy - Spatial Vision and Strategic Objectives etc

A spatial vision and strategic objectives for biodiversity and geology should be provided through the core strategy, with an accompanying core / headline policy, which collectively seek to:

- Maintain / conserve the net biodiversity / geological resource of the area;
- Enhance this resource by seeking opportunities for sympathetic management, restoration, re-creation or increased linkage in line with targets set out through BAPs.

The biodiversity targets set out in the in Regional Spatial Strategy should be refined and adapted in the light of the Devon BAP and/or the Local BAP and appropriate targets included in the core strategy. This should include consideration of how and where geological interests might be enhanced, for example by targeting areas where the creation or improvement of geological exposures might be sought.

Strategic areas within which such conservation effort should be particularly targeted or which offer significant opportunities for biodiversity enhancement should be identified through the Core Strategy. This might be done in mapped form on the **Key Diagram** or in tabular format alongside relevant biodiversity targets and should be informed by the Regional Nature Map (see Appendix 2) and refined as necessary through the input of local stakeholders and the Devon Biodiversity Record Centre.

b) Generic Development Control Policies

Policies should be incorporated based on the 'key principles' in PPS9 and should guide development so that it:

- Avoids adverse impacts on features of nature conservation importance, with the weight given to these reflecting the hierarchy of interests from international through to local. [No specific policy direction is required for international sites or protected species, given the existing legal mechanism relating to these.]
- Secures appropriate mitigation and compensatory provision where harm cannot be avoided for reasons that outweigh nature conservation interests.
- Contributes to the enhancement of nature conservation interests through the appropriate management or restoration of existing wildlife or geological sites or features and the creation of new wildlife habitats or other features of nature conservation value (i.e. including accessible and safe geological exposures).

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 and geological conservation.

c) Site Specific Allocations

All site specific allocations should be consistent with the 'key principles' expressed in PPS9 by ensuring that they are based on:

- Up to date information on existing biodiversity and geological resources on and around the site (using available data through DBRC, supplemented by new field survey where required);
- Maintaining and enhancing nature conservation interests on the site and overall allocations which can be accommodated without causing a net loss;
- A strategic approach to the conservation and enhancement of nature conservation interests in the wider environment;
- The achievement of opportunities for the enhancement of biodiversity and geological interests at the most suitable locations, in a manner which consistent with targets set out in the LDF (appropriately linked to the Devon / more local BAP).

d) Adopted Proposals Map

This should identify areas to be protected, such as internationally, nationally and locally designated nature conservation sites and features. In addition, where sufficient information is available, it should identify those specific or priority areas where the enhancement of biodiversity and geological interests is to be sought in line with the strategic targets and site specific allocations.

e) Area Action Plans

It may be appropriate to prepare such plans for areas of particular nature conservation sensitivity or where significant opportunities exist for nature conservation gains. Rather than simply repeating strategic nature objectives, it is vital that Area Action Plans establish accurately:

- Those features which are to be maintained, safeguarded and appropriately managed;
- The specific biodiversity and geological gains which are to be sought, with these quantified and related to the conservation objectives / targets set out through the Core Strategy.

5. Partnership Working

Devon County Council wishes to work in partnership with District Councils, in further developing the above policy areas with colleagues and other organisations and would wish to be fully involved in any discussion relating to them.

References and Other Relevant Documents

Association of Local Government Ecologist 2005, *Framework for Biodiversity – Integrating Biodiversity into Local Development Frameworks*

Devon Biodiversity Partnership 1998, *The Nature of Devon – A Biodiversity Action Plan* [see www.devon.gov.uk/biodiversity where current version is available]

Devon County Council 2004, *Devon Structure Plan 2001-2016 – ‘Devon to 2016’*

Devon County Council 2003, A Better Future for Biodiversity – Devon County Council’s Role and Action Programme

Devon Strategic Partnership 2004, *Devon Community Strategy: Vision for Devon in 2015*

The Countryside Agency / English Heritage / English Nature / Environment Agency 2005, *Environmental Quality in Spatial Planning – Incorporating the Natural, Built and Historic Environment, and Rural Issues in Plans and Strategies*

Office of the Deputy Prime Minister 2005, *Planning Policy Statement 9: Biodiversity and Geological Conservation*

Office of the Deputy Prime Minister 2005, *ODPM Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*

Office of the Deputy Prime Minister / Defra / English Nature 2006, *Planning for Biodiversity and Geological Conservation: A Guide to Good Practice*

Key Structure Plan Policies

CO1 Landscape Character and Local Distinctiveness

CO2 National Parks

CO3 Areas of Outstanding Natural Beauty

CO9 Biodiversity and Earth Science Diversity

CO10 Protection of Nature Conservation Sites and Features

Contacts & Links

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Website: www.devon.gov.uk/biodiversity and www.devon.gov.uk/geology

Devon Wildlife Trust / Devon Biodiversity Record Centre

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Website: www.devonwildlifetrust.org

Natural England – Devon

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The South West Nature Map

The South West Nature Map illustrates where the best opportunities lie in the region for action to maintain and expand (through restoration and/or re-creation) terrestrial habitats at the landscape scale. It provides a very important tool for District Councils in mapping those areas which might be prioritised for biodiversity enhancement through LDFs, in accordance with the guidance in PPS9.

The BAP priority habitats relevant to Devon which are covered by the Nature Map are:

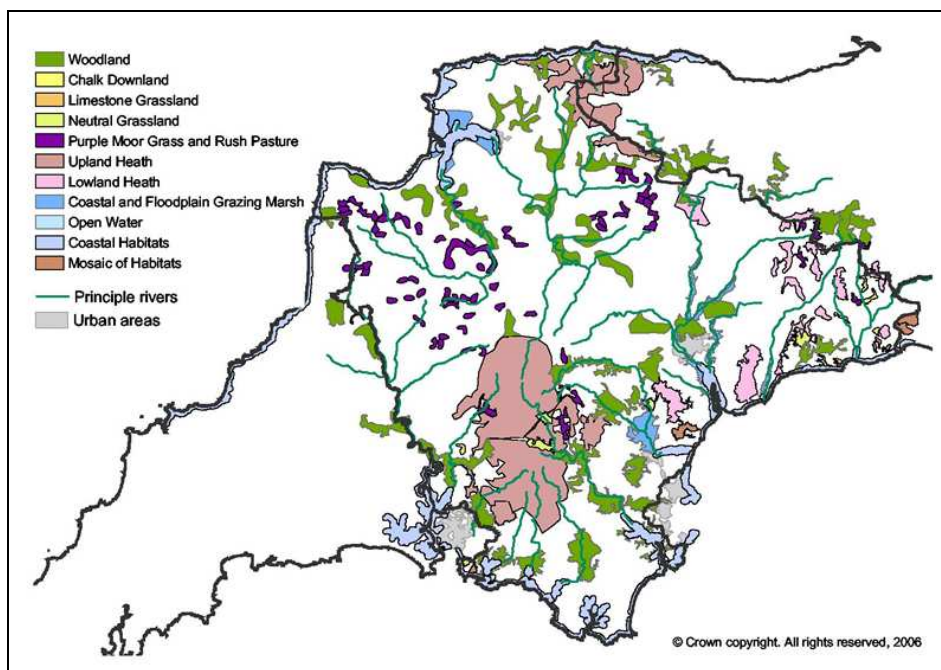
- Woodland
- Limestone grassland
- Neutral grassland
- Purple moor grass and rush pasture
- Upland heath
- Lowland heath
- Coastal and floodplain grazing marsh
- Coastal habitats

Although a product of the South West Regional Biodiversity Partnership and intended, primarily, to identify priority areas for biodiversity enhancement at a regional scale, it was developed using the best available information and expert knowledge at the local level. A process of refinement of the map at a County scale does ensure that it remains valid at the sub-regional scale.

It is important to note that many areas of land which are not shown on the Nature Map also contain significant concentrations of wildlife habitat and opportunities for biodiversity enhancement. Such local omissions from the South West Nature Map may still represent priority areas which should be recognised through the preparation of LDFs at a District scale.

The Devon section of the South West Nature Map (illustrated below) can be viewed and downloaded on the South West Observatory web site at:

http://www.swenvo.org.uk/nature_map/Devon.asp



The individual priority habitat areas in Devon which are shown on the South West Nature Map may also be viewed (from January 2007) through the relevant Action Plans set out within the Devon BAP at: www.devon.gov.uk/biodiversity [Follow the link to the Devon Biodiversity Action Plan and then selection 'The Action Plans'.]