

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Leader and Cabinet 2 July 2009
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LOCAL DEVELOPMENT FRAMEWORK - ADOPTION OF BIODIVERSITY AND LISTED BUILDINGS SUPPLEMENTARY PLANNING DOCUMENTS

Purpose

1. The purpose of this report is to inform the Council on the results of a public consultation exercise carried out on two Supplementary Planning Documents (SPD), and to seek approval for these documents to be formally adopted by the Council. Once adopted, the SPDs will form part of the Local Development Framework and be used to help determine planning applications.
2. The two SPDs that were consulted on were as follows:
 - Biodiversity
 - Listed Buildings: Works to or affecting the setting of
3. This is a key decision because it raises new issues of policy, is made in the course of developing proposals to amend the policy framework, and is a decision taken under powers delegated by the Council to amend an aspect of the policy framework. The agreement to carry out the public consultation was taken at the joint meeting of the Portfolio Holders for Planning and for Growth and Sustainable Communities on 26 January 2009.

Executive Summary

4. This report outlines the representations received on the two SPDs that were subject to a period of public participation from February to April 2009. As a result of these representations, amendments have been made to the draft SPDs. The next step is to adopt the SPDs when they will form part of the Local Development Framework.

Background

5. The Council has adopted a number of Development Plan Documents (DPD) that form part of the Local Development Framework. The purpose of Supplementary Planning Documents (SPD) is to expand on policies set out in DPDs and to provide additional detail. The two SPDs that have been consulted on relate to policies contained within the adopted Development Control Policies DPD, and in the adopted Area Action Plans for Northstowe, Cambridge East, and Cambridge Southern Fringe.
6. Similar to the DPDs, Draft Final Sustainability Appraisals have to be carried out on all SPDs to appraise the social, environmental and economic effects of the proposals contained within each SPD. The Sustainability Appraisals for each SPD were consulted on alongside the draft SPDs.
7. The six-week public consultation took place between 27 February - 14 April 2009.

The results of the Public Consultation

8. During the consultation 155 representations were received relating to the two SPDs, as follows:

SPD	Support	Object	Total
Biodiversity	5	111	116
Listed Buildings	8	31	39

Consultation responses range from single to large numbers of points. Each of these points is recorded as a separate representation. No representations were received on the Sustainability Appraisals.

9. The Council has received confirmation that the two SPDs are in conformity with the Regional Spatial Strategy from the East of England Regional Assembly, who stated:

‘These SPDs amplify policies in the Development Control DPD, which have already been deemed in general conformity with the Regional Spatial Strategy. As such, they raise no issues that would have a significant adverse impact on the implementation of the Regional Spatial Strategy, and are regarded as being in general conformity.’

10. A brief outline of the contents of each of the two SPDs is provided below together with a summary of the main issues raised during the consultation period.

Listed Buildings: Works to or affecting the setting of SPD

11. This document is intended to supplement Policies CH/3 and CH/4 of the Development Control Policies DPD and to provide applicants and agents with further guidance as to how the national planning policy guidance set out in Planning Policy Guidance (PPG) 15 is interpreted in the local context. The document gives guidance for development and other works which affect listed buildings, their curtilages and settings, and covers general approaches, good practice and when Listed Building Consent is likely to be required.

12. The main issues raised include:

- Seeking confirmation that the previously adopted Thatching Guide would form part of the Listed Buildings SPD
- Concern over the impacts of works on biodiversity including habitats for protected species such as bats and owls
- Suggested improvements on consultation, distribution and updating of the document
- Questions about the overall purpose, intended audience, tone, structure and degree of detail
- Concern about the relationship to national law, policy and guidance and whether the SPD has to reflect these

13. One respondent, a listed building owner, raised a large number of points. Most of the consultation responses received were generally supportive of the document and the help it would offer those involved with listed buildings.

Biodiversity SPD

14. The SPD expands on district-wide policies (NE/5, NE/6 & NE/7) in the Development Control Policies Development Plan Document (DPD), adopted in July 2007. These policies seek to ensure that biodiversity is adequately protected and enhanced

- throughout the development process, and this SPD provides additional details on how they will be implemented.
15. The SPD builds on national policy in Planning Policy Statement (PPS) 1: Delivering Sustainable Development and PPS9: Biodiversity and Geological Conservation. These statements promote sustainable, well-designed development. In addition, they seek to ensure that biodiversity and appropriate landscaping are fully integrated to new developments in order to create accessible green spaces for wildlife and people, to contribute to a high quality natural and built environment, and to contribute to a better quality of life.
 16. The main issues raised include:
 - Suggested text be amended slightly to reflect rather than repeat the requirements of PPS9
 - Seeking clarification of the differences between the SPD and Biodiversity Strategy and their relationship as council documents
 - Suggested clearer links to further information relating to protected species
 - Suggested refinement of when Priority Species Survey and Assessment is required for clarity
 - Suggested amendments to Tables 1 & 2
 - Suggested refinement of the development guidelines
 - Suggested refinement of the set of Biodiversity Issues, particularly:
 - Biodiversity Issue 3 (mitigation and compensation)
 - How biodiversity gain is to be achieved
 - Ensuring that the expectation placed upon applicants is not unreasonable
 - Clarification of Priority Species, Priority Habitats and Protected Species issues
 - Ensuring that Biodiversity Issues are not confused with, or repeat, policy
 - Suggested refinement of the text relating to the registration process
 - Suggested refinement of the “triggers” for Site Assessment and Survey
 - Need for more focus on biodiversity benefits of SUDS
 - Need to bring forward the Countryside Enhancement Area and Wildlife Corridor map from the Biodiversity Strategy
 17. Detailed schedules of all representations received on each SPD are provided in **Appendices 2 and 3**. The schedules provide a summary of each representation received in plan order together with any suggested change to the text of the SPD, the Council’s assessment of them and, where appropriate, proposes amendments to the text of the draft SPD.
 18. There were no representations received on the Sustainability Appraisals. The amendments proposed to the text of the SPDs are relatively minor, providing further detail or clarification rather than altering the policy approach. As a result there is considered to be no impact on the Sustainability Appraisals. Therefore no amendments need to be made and they can be published in their final form alongside the adopted SPDs.

Adoption Process

19. The SPDs have been prepared in compliance with the legislative and regulatory requirements for the preparation of SPDs and are now ready for adoption. Members are recommended to adopt the SPDs as amended (as contained in **Appendices 3-4**). Once adopted, the SPDs will become part of the Local Development Framework.
20. The Council must also publish Final Sustainability Appraisal Reports, to have carried out a Habitats Regulations Assessment (HRA).

21. In addition to the public consultation on the SPDs and related documents the Council has consulted with Natural England on Habitat Regulations Assessments (HRA) that have been carried out on each SPD. An HRA is an assessment of the potential effects of a proposed plan or project, which is not necessary for the management of the site and which is likely to have a significant effect, on one or more Natura 2000 or Ramsar sites, in view of the site's conservation objectives. Natura 2000 sites are sites internationally designated for nature conservation and were established under a European Council Directive. There are 4 stages to the Habitats Directive Assessment process: Screening; Appropriate Assessment; assessment of alternative solutions; and compensatory measures. Natural England has responded by stating that a full Appropriate Assessment is not required.
22. As with the DPD plan making process, the new system allows for any person aggrieved by the SPD may apply to the High Court for permission to apply for judicial review of the decision to adopt the SPD. Any such application for leave must be made promptly and in any event not later than 3 months after the date on which the SPD was adopted.

Implications

23. By adopting the four SPDs there will be increased clarity in the implementation of the related DPD policies and this will assist officers when giving advice to developers and applicants since the development process will be more understandable.

24. Financial	Within existing budget.
Legal	SPDs promote certainty and understanding of the Council's position and may help improve turnaround times for planning applications and s106 agreements.
Staffing	The SPDs will assist officers by providing developers and applicants with greater detail as to what is expected in submitting planning applications so making it quicker to process applications. They encourage people to contact the Council to discuss specific places and cases, which will increase workload.
Risk Management	None.
Equal Opportunities	None.

Consultations

25. The draft SPDs have been prepared in consultation with the relevant specialist officers within the Council prior to being agreed for consultation. As part of the public consultation letters were sent to a range of relevant organisations and also included a CD-Rom, containing both draft SPDs and their related documents.

Effect on Strategic Aims

26.	Commitment to being a listening council, providing first class services accessible to all.
	The SPDs will provide more information and advice to the public and encourage better communication. They will help applicants submit acceptable planning and listed building consent applications which can be dealt with efficiently and more quickly.
	Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.
	The Biodiversity SPD will help create and support healthy wildlife, places and lifestyles.
	Commitment to making South Cambridgeshire a place in which residents can feel proud to live.
	The Biodiversity SPD will help reduce the causes and impacts of climate change.
	Commitment to providing a voice for rural life.
	The SPDs will: Encourage effective working with the public, including land and building owners, parish councils and others; protect and enhance the built and natural environment of South Cambridgeshire; raise the standard of new development; and improve the quality of life of residents.

Conclusions / Summary

27. This report outlines the representations received on the two SPDs that were subject to a period of public participation from February to April 2009. As a result of these representations amendments have been made to the draft SPDs. The next step is to adopt the SPDs when they will form part of the Local Development Framework.

Recommendations

28. Cabinet is invited to agree:
- the adoption of the SPDs relating to Biodiversity and Listed Buildings as contained in Appendices 3 and 4 and proceed in accordance with Regulations 18 and 19 (for ease of reference, **Appendix 1** lists the changes made to the draft SPDs following the consultation process);
 - that no changes to be made to the Sustainability Appraisals for each SPD and these can be published in their final form alongside the SPDs.

Background Papers: the following background papers were used in the preparation of this report:

Biodiversity Supplementary Planning Document (Consultation Draft February 2009)

Listed Buildings Supplementary Planning Document (Consultation Draft February 2009)

Biodiversity Supplementary Planning Document Draft Final Environmental/Sustainability Report (February 2009)

Listed Buildings Supplementary Planning Document Draft Final Environmental/Sustainability Report (February 2009)

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