

AGENDA ITEM NO 11

TITLE: Natural Environment Supplementary Planning Document (SPD)

Committee: Finance and Assets

Date: 6 February 2020

Authors: Richard Kay – Strategic Planning Manager
Rebecca Saunt – Planning Manager
Harj Kumar – Senior Planning Officer

[U168]

1.0 ISSUE

1.1 For Committee to determine whether to approve the Natural Environment Supplementary Planning Document (SPD) for public consultation. The SPD can be found at Appendix 2.

2.0 RECOMMENDATION(S)

2.1 That Committee:

- I. Approves the draft Natural Environment SPD for the purpose of public consultation (with any minor editorial or presentation improvements delegated to officers, in consultation with the Chair, prior to publication), with public consultation anticipated to be for 6 weeks over the period mid-February to end of March.

3.0 BACKGROUND

Introduction

3.1 The Natural Environment SPD has been prepared to provide advice on policy requirements relating to the natural environment, including issues such as:

- 'net gain' in biodiversity through development proposals;
- protection and provision of trees;
- protection of existing nature sites, including technical advice in terms of discharging Habitat Regulation Assessments (HRA) obligations, especially in relation to swan and goose foraging in designated protection zones around the Ouse Washes; and
- supporting the Council's position in relation to the recently adopted Local Nature Partnership vision to 'double land for nature' by 2050 across Cambridgeshire.

3.2 Preparing this SPD was a specific commitment (amongst others) in the 'Climate Change' Motion passed by Full Council in October 2019.

- 3.3 Whilst this SPD could cover many things, it is not intended to cover the following matters (though there may be some cross over to some of these issues):
- Detailed design
 - Matters relating to visual impact
 - Carbon Dioxide (and equivalent) emissions
 - Green Infrastructure
 - EIA procedures and requirements

These are likely to be addressed in future SPDs over the coming months.

Context and Background

- 3.4 East Cambridgeshire's natural environment is a valuable resource, rich in international, national and locally designated sites. Ecological networks comprising designated sites, other habitats, and wildlife corridors are necessary to maintain and enhance biodiversity and prevent fragmentation and loss of connectivity. This is essential if species are to adapt to climate change and if biodiversity is to flourish.
- 3.5 Numerous legislation forms the basis for this SPD including the Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2012 (as amended) and The Conservation of Habitats and Species Regulations 2017.
- 3.6 The Government is also expected to introduce the Environment Bill in early 2020. The Environment Bill is expected to put into legislation a series of environmental principles and establish an Office for Environmental Protection, which will have scrutiny, advice and enforcement functions. It is also expected to make provision for the setting of long-term, legally binding environmental targets in four "priority areas" of air quality, water, biodiversity and resource efficiency / waste reduction, along with the production of statutory Environmental Improvement Plans (the first being the January 2018, 25 Year Environment Plan).
- 3.7 The National Planning Policy Framework (NPPF) provides national policy guidance on conserving and enhancing the natural environment. Planning policies are expected to, amongst other things, protect and enhance valued landscape, recognising the intrinsic character and beauty of the countryside, minimise impacts on, and providing net gains for, biodiversity and preventing adverse effect of new and existing development on the natural environment.

Natural Environment SPD

- 3.8 An SPD is, as the name suggests, a supplement to the main planning policy document for the district, namely the East Cambridgeshire Local Plan (and, where they exist, a Neighbourhood Plan). This SPD therefore supplements in particular Policy ENV7 'Biodiversity and Geology' of the 2015 Local Plan. However, as well as supplementing policy in the Local Plan, the SPD has taken the opportunity to provide local interpretation and guidance in respect of the

latest national policy, such as the recent NPPF (2019) and the emerging Environment Bill.

- 3.9 The SPD contains the Council's overarching vision for the natural environment. This includes providing assistance to the management, protection, enhancement and creation of priority habitats; promoting the creation of an effective, functioning ecological network throughout the district; and taking decisions which respond to, and helps nature adapt to, a changing climate.
- 3.10 A flow chart is provided in the SPD to help developers establish whether the natural environment has been suitably taken into account in their proposals. If developers follow the flow chart steps then the Council should be able to deal with the application in a timely manner, and it will ensure development proposals provide wide ranging natural environment benefits.
- 3.11 The SPD will endeavour to reverse the decline in biodiversity and instead promote a 'net gain' in biodiversity. It is expected that Government will introduce mandatory biodiversity 'net gain' through the Environment Bill, but this is not certain both in terms of scope and timing. Thus, in the meantime, the SPD provides guidance how all development could contribute to the objective of achieving a net gain, but this can be reviewed as and when the Bill progresses.
- 3.12 The SPD encourages opportunities for new tree planting to be explored as part of all development proposals. A policy in the SPD encourages the existing tree and woodland cover to be maintained, improved and expanded; and create opportunities for expanding woodland.
- 3.13 The SPD provides helpful guidance on information that should be submitted with a planning application where there is likely to be impact on the natural environment, including the use of available 'toolkits'. These toolkits will help developers provide essential information with the planning application and this will help in reaching prompt decisions.

Consultation

- 3.14 As is legally required, prior to the adoption of this SPD, Council must undertake appropriate consultation for a minimum of four weeks. Officers will ensure at least minimum legal requirements in this regard are met, and are recommending a 6 week consultation period. After consultation, any appropriate revisions will be made to the SPD before it is returned to this committee for adoption.

4.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT / CARBON IMPACT ASSESSMENT

- 4.1 There are no financial implications in preparing this SPD that cannot be covered by existing budgets. The consultation on the SPD will be carried out primarily via emails and the Council's web site. Other more specific consultation, such as with the agents forum, parish councils and the Local Nature Partnership can be achieved under existing budgets.

4.2 Equality Impact Assessment (INRA) completed – appendix 1.

4.3 Carbon Impact Assessment (CIA) completed. In summary, the CIA concluded as follows:

There are no direct significant carbon impacts arising from the recommendations of this report. However, indirectly, if the SPD is subsequently adopted in due course, some carbon offsetting benefits could materialise via the planning system because the SPD supports tree planting and specifically acknowledges the carbon offsetting of tree planting. However, those benefits will only materialise at the point of decisions on individual planning applications being taken.

5.0 APPENDICES

Appendix 1 - Completed INRA

Appendix 2 – Draft Natural Environment SPD

| <u>Background Documents</u> | <u>Location</u> | <u>Contact Officer</u> |
|--|------------------------|---|
| East Cambridgeshire Local Plan – 2015 | Room12A The Grange | Richard Kay Strategic Planning Manager (01353) 616245 |
| National Planning Policy Framework (NPPF) - 2019 | Ely | E-mail: richard.kay@eastcambs.gov.uk |

Appendix 1 - Completed INRA

EQUALITY IMPACT ASSESSMENT – INITIAL SCREENING

Initial screening needs to take place for all new/revised Council policies. The word ‘policy’, in this context, includes the different things that the Council does. It includes any policy, procedure or practice - both in employment and service delivery. It also includes proposals for restructuring, redundancies and changes to service provision. This stage must be completed at the earliest opportunity to determine whether it is necessary to undertake an EIA for this activity.

| | |
|--|--|
| Name of Policy: | Natural Environment Supplementary Planning Document (SPD) |
| Lead Officer (responsible for assessment): | Harjinder Kumar |
| Department: | Strategic Planning |
| Others Involved in the Assessment (i.e. peer review, external challenge): | None |
| Date Initial Screening Completed: | 7 January 2020 |

- (a) **What is the policy trying to achieve?** i.e. What is the aim/purpose of the policy? Is it affected by external drivers for change? What outcomes do we want to achieve from the policy? How will the policy be put into practice?

The SPD is a supplementary document, in support of policy contained in the Local Plan and in support of national policy. It does not set new strategic policy, but rather gives clarity on how to interpret existing policy, and sets out what information is needed by applicants, parishes or communities in order to help them meet natural environment considerations.

The aim is to assist applicant and developers in preparing proposals or plans.

- (b) **Who are its main beneficiaries?** i.e. who will be affected by the policy?

It is primarily aimed at developers in East Cambridgeshire. Developers will be helped by the clarity provided in the SPD as to how the policy will be implemented. Parishes and communities will be helped because it sets out how the district council will consider planning applications in their area.

However, all residents and business of (and visitors to) the district will, indirectly, benefit from the proposals, to a lesser or greater degree, because the SPD will help protect and enhance the natural environment of East Cambridgeshire.

- (c) **Is this assessment informed by any information or background data?** i.e. consultations, complaints, applications received, allocations/take-up, satisfaction rates, performance indicators, access audits, census data, benchmarking, workforce profile etc.

The draft SPD will be subject to public consultation in spring 2020.

(d) Does this policy have the potential to cause a positive or negative impact on different groups in the community, on the grounds of any of the protected characteristics (please tick all that apply):

| | | | |
|----------------------------------|----|---|----|
| Ethnicity | No | Age | No |
| Gender | No | Religion or Belief | No |
| Disability | No | Sexual Orientation | No |
| Gender Reassignment | No | Marriage & Civil Partnership | No |
| Pregnancy & Maternity | No | Caring Responsibilities | No |

Please explain any impact identified: i.e. What do you already know about equality impact or need? Is there any evidence that there is a higher or lower take-up by particular groups? Have there been any demographic changes or trends locally? Are there any barriers to accessing the policy or service?

There is no apparent reason why any of the different groups as listed above will be particularly affected, negatively or positively, as a result of the SPD

| | |
|---|-----------|
| (e) Does the policy affect service users or the wider community? | NO |
| (f) Does the policy have a significant effect on how services are delivered? | NO |
| (g) Will it have a significant effect on how other organisations operate? | NO |
| (h) Does it involve a significant commitment of resources? | NO |
| (i) Does it relate to an area where there are known inequalities, e.g. disabled people's access to public transport etc? | NO |

If you have answered **YES** to any of the questions above, then it is necessary to proceed with a full equality impact assessment (EIA). If the answer is **NO**, then this judgement and your response to the above questions will need to be countersigned by your Head of Service and then referred to the Council's Equal Opportunities Working Group (EOWG) for scrutiny and verification. Please forward completed and signed forms to the Principal HR Officer.

Signatures:

Completing Officer: HK **Date:** Jan 2020
Head of Service: RK **Date:** Jan 2020