



**CENTRAL LANCASHIRE LOCAL DEVELOPMENT FRAMEWORK JOINT
ADVISORY COMMITTEE**

WEDNESDAY, 2ND JULY 2014, 5.30 PM

AGENDA

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| <p>1 APPOINTMENT OF CHAIR FOR THE MEETING</p> <p>2 APOLOGIES FOR ABSENCE</p> <p>3 MINUTES OF THE LAST MEETING</p> <p> To confirm the minutes of the last meeting held on 26 March 2014 as a correct record (copy enclosed).</p> <p>4 GYPSIES AND TRAVELLERS</p> <p> A verbal update will be given at the meeting.</p> <p>5 CENTRAL LANCASHIRE BIODIVERSITY AND NATURE
CONSERVATION SUPPLEMENTARY PLANNING DOCUMENT
UPDATE</p> <p> Report enclosed.</p> <p>6 LOCAL PLANS</p> <p> Verbal updates will be given at the meeting.</p> <p>7 CITY DEAL</p> <p> A verbal update will be given at the meeting.</p> <p>8 ANY OTHER BUSINESS</p> <p>9 DATE AND VENUE OF NEXT MEETING</p> | <p>(Pages 3 - 8)</p> <p>(Pages 9 - 20)</p> |
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The date of the next meeting of the Central Lancashire Strategic Planning Joint Advisory Committee is 16 September 2014. The venue will be confirmed at the meeting.

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Central Lancashire Local Development Framework Joint Advisory Committee (Chair), (Vice-Chair) and Alistair Bradley (Chorley Council), Keith Iddon (Chorley Council), Paul Walmsley (Chorley Council), Councillor Julie Buttle (Preston City Council), Councillor John Potter (Preston City Council), Councillor John Swindells (Preston City Council), Councillor Joseph Hughes MBE (South Ribble Borough Council), Jon Hesketh (South Ribble Borough Council), Councillor Caroline Moon (South Ribble Borough Council) and County Councillor Marcus Johnstone (Lancashire County Council).

Electronic agendas sent to Central Lancashire Local Development Framework Joint Advisory Committee reserves (Councillor) for information.

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**Central Lancashire Local Development Framework Joint Advisory
Committee**

**Central Lancashire Local Development Framework Joint Advisory
Committee
26 March 2014**

Present:

Councillor D Edgerley	(Chair) Chorley Borough Council
Councillor H Heaton	Chorley Borough Council
Councillor D Rogerson	Chorley Borough Council
Councillor N Cartwright	Preston City Council
Shannon	Preston City Council
Councillor J Hesketh	South Ribble Borough Council
County Councillor D Howarth	Lancashire County Council

Also in attendance:

Officers:

Ms J Moore	Head of Planning (Chorley Borough Council)
Mr P McAnespie	Policy and Design Manager (Chorley Borough Council)
Mr M Molyneux	Planning Policy Manager (Preston City Council)
Ms H Hockenhull	Planning Manager (South Ribble Borough Council)
Mr M Hudson	Head of Planning (Lancashire County Council)
Ms L Wingfield	Democratic and Member Services Officer (Chorley Council)

70. Appointment of Chair for the Meeting

RESOLVED – That Councillor Dennis Edgerley of Chorley Council be appointed as Chair for this meeting.

71. Welcome by the Chair and Introductions

The Chair welcomed everyone to the meeting.

Central Lancashire Local Development Framework Joint Advisory Committee

72. Apologies for absence

Apologies for absence were submitted on behalf of Councillor Paul Walmsley (Chorley Council), Councillor John Swindells (Preston City Council), Councillor Caroline Moon (South Ribble Borough Council) and County Councillor Marcus Johnstone (Lancashire County Council).

73. Minutes of last meeting

RESOLVED - That subject to the following amendment the minutes of Central Lancashire Local Development Framework Joint Advisory Committee held on 17 December 2013 be confirmed as a correct record and signed by the Chair. That the line which stated Marcus Hudson also indicated that that there were no current proposals to widen Golden Bridge be amended to read; Golden Way would be duelled by the replacement of line markings and that there would be no need for any engineering works.

74. Central Lancashire GTAA

The Central Lancashire LDF Team submitted a report which provided information about the Central Lancashire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA).

RESOLVED - That the report be noted and the progression of a joint Gypsy, Traveller and Travelling Showpeople Development Plan Document in accordance with the timetable be endorsed.

75. Local Plan Update

District Councils updated the meeting on the progression of their individual Council's Local Plan.

The Policy and Design Team Leader from Chorley Council informed the group that Chorley's Local Plan would be out for consultation from 4 – 16 July and submitted to the Inspector in September, with adoption in February 2015.

The Planning Policy Manager from Preston City Council stated that Preston intend to submit their plan at the end of April but may ask for this to be put back to September.

The Master Plan for Preston is going out for representations with a view to submitting on 4 July. The City Centre Action Plan publication version will be available in August. The Planning Manager from South Ribble Borough Council informed the meeting that the Inspectors had indicated the need to address transit need by adding text committing to this with the Local Plan.

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The Local Plan is due to go to Cabinet for endorsement and will then go out for consultation for 6 weeks. The Inspector's final report will be received in June and be presented to Full Council in July.

RESOLVED - That the updates be noted.

76. **CIL Claim Update**

The Head of Planning from Chorley Council provided the group with an update.

The hearing took place on Monday 10 March at Manchester, and sat for one day only. Officers outlined the nature of the three grounds upon which the challenge was made, and the key rebuttal points argued. No timing for the handing down of judgement by The Hon Mr Justice Lindblom was given, but it is considered by all parties that a decision will be issued as soon as possible, given the impact of the claim. Legal officers will contact the courts in due course to ask for any further indication of timing.

Officers from Chorley Council have chased for a response earlier this week and this will be shared with Officers from Preston, South Ribble and Lancashire County once received.

RESOLVED – That the update be noted.

77. **Core Strategy Monitoring Report**

The Central Lancashire LDF Team submitted a report which provided an update on the latest Core Strategy Monitoring Report. The purpose of the Core Strategy MR is to assess the effectiveness of the Core Strategy policies and the extent to which policies are being successfully implemented.

During the monitoring year the target for dwellings was exceeded in Chorley, whilst there was a significant shortfall of completions in South Ribble and Preston. During the year a total of 289 affordable dwellings have been delivered across Central Lancashire consisting of 40 in South Ribble, 183 in Chorley and 66 in Preston. Together this exceeded the Core Strategy target of 126.

A total of 0.67 hectares of open space on three sites was lost to other uses in Chorley, it was considered in all cases that the loss of open space would not have a detrimental impact and complied with the Central Lancashire Open Space and Playing Pitch SPD.

The MR will continue to monitor Core Strategy indicators on an annual basis so as to provide consistency and continuity to the monitoring process and to

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allow for trend analysis, and will provide a comprehensive evidence base on which to inform policy development / review in the future.

The Planning Policy Manager for Preston City Council highlighted that the figures relating to developer contributions within the report were incorrect and should read £82,000 and £230,000 respectively.

RESOLVED - That the report be noted

78. **SPD Updates**

Each authority provided an update on the Supplementary Planning Documents within their area.

Chorley Council

Renewable and Low Carbon Energy SPD - consultation will take place March / April. The SPD will provide further advice and guidance for applicants on the requirements of the relevant core strategy policies. It will draw together guidance from a range of documents that will need to be addressed in planning applications for renewable/low carbon energy schemes.

Biodiversity and Nature Conservation SPD – consultation will take place July / August. The purpose of this SPD is to explain the Council's approach as local planning authority towards encouraging Biodiversity.

South Ribble Borough Council

Renewable and Low Carbon Energy SPD – a report is going to Cabinet to endorse, with the final report going to Full Council in May for adoption.

Preston City Council

Healthy Foods – this provides a 400m zone around schools and the authority are currently seeking evidence from other authorities around the issue and are likely to restrict to secondary schools.

RESOLVED – That the updates be noted.

79. **City Deal Update**

The Head of Planning from Lancashire County Council provided an update on City Deal.

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A report has been submitted to Cabinet on Thursday, 3rd April which provides an update of the progress made to ensure the City Deal can be implemented from 2014/15, and also seeks;

- endorsement of the draft City Deal Infrastructure Delivery Plan which will be considered by the City Deal Executive in April 2014.
- the approval of the principles of the Stewardship Board Agreement which will be considered by the City Deal Stewardship Board in May 2014
- endorsement of the principles of the Memorandum of Understanding (MoU) and in consultation with the Leader of the County Council, to approve and execute the final MoU and subsequent loan agreements.
- Approval of the operating principles for the establishment of the City Deal
- Infrastructure Delivery Fund and Heads of Terms regarding fund flow between the 3 Councils and delegate authority to the County Secretary and Solicitor and the County Treasurer, in consultation with the Leader of the County Council, to finalise and execute the Heads of Terms and thereafter the formal Legal Agreement;
- authorisation for the County Treasurer to incorporate expenditure commitments and funding arising from City Deal projects approved through the City Deal Governance Structures within the County Council's Capital Investment Programme on an ongoing basis.

RESOLVED – That the update be noted.

80. Dates of Future Meetings

The next meeting of the Joint Advisory Committee is to be held at 5.30pm on 2 July 2014 at Preston City Council.

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Report of	Meeting	Date
Joint LDF Officer Team	Central Lancashire LDF Joint Advisory Committee	2 nd July 2014

CENTRAL LANCASHIRE BIODIVERSITY AND NATURE CONSERVATION SUPPLEMENTARY PLANNING DOCUMENT UPDATE

PURPOSE OF REPORT

1. To inform members about the progress of a Central Lancashire Biodiversity and Nature Conservation Supplementary Planning Document (SPD).

RECOMMENDATION(S)

2. It is recommended that members note the contents of this report and endorse the progression of a joint Central Lancashire SPD on Biodiversity and Nature Conservation.

EXECUTIVE SUMMARY OF REPORT

3. The Central Lancashire authorities are producing a Biodiversity SPD. This report explains the purposes and objectives of the SPD, the broad timetable and mechanism for its approval, and the intended route to its adoption and use.

REASONS FOR RECOMMENDATIONS

(If the recommendations are accepted)

4. To ensure effective biodiversity and nature conservation guidance is in place that reflects the National Planning Policy Framework (The Framework) and which provides guidance for planning applicants on the application of Core Strategy and Local Plan policies on biodiversity and nature conservation.

BACKGROUND

5. SPDs offer local planning authorities the opportunity to add guidance in specific policy areas. They are documents that must be prepared in consultation with interested parties, and must be subject to a screening process to discover whether a sustainability appraisal would be required. Unlike Development Plan Documents (DPDs) SPDs do not require independent examination before they are adopted.
6. On adoption, this SPD will be one of a suite of Central Lancashire SPDs that form part of the Local Development Framework for the Central Lancashire authorities of Chorley, Preston and South Ribble. They are to be considered alongside policy in the Central Lancashire Core Strategy and the Local Plans of the three authorities. The Councils are working alongside the Wildlife Trust for Lancashire, Manchester and North Merseyside (The Wildlife Trust) and Lancashire County Council (LCC) to produce this SPD.

7. This SPD relates to Core Strategy Policy 22 on biodiversity and geodiversity. In addition, the authorities each have a policy on biodiversity and nature conservation in their emerging Local Plans. These policies are set out in Appendix 1.
8. This SPD will explain the Councils' approach towards conserving, protecting and enhancing biodiversity. Planning can make an important contribution to protecting and improving biodiversity, which is defined as 'the variety of all life on earth'. Development can have a negative impact on biodiversity, both directly, through the destruction of habitat, and indirectly (e.g. development that results in changes to air or water quality over time). Development can also have positive impacts for biodiversity by integrating new habitats with adjacent spaces.

CONTENT OF THE SPD

9. The SPD will provide guidance for applicants in terms of understanding the relevant Central Lancashire policies and what is required as part of the planning application process in order to protect, conserve and enhance biodiversity.
10. The Framework and the local planning policies refer to the concept of ecological networks. Ecological networks are links between sites of biodiversity importance. Lancashire County Council are currently finalising ecological network mapping for Lancashire to cover woodland and scrub, grassland, and wetland and heath habitats. The SPD will provide information on how to consider planning applications having an impact on ecological networks in the Central Lancashire context.
11. The SPD will include sections on the following matters:
 - The legislative framework in relation to biodiversity
 - Relevant national and local policies on biodiversity and nature conservation
 - Internationally, nationally and countywide designated sites of biodiversity importance
 - The Lancashire Ecological Network
 - How biodiversity and nature conservation should be integrated into the planning application process. This will include information on when ecological surveys and assessments are required, the times of year to undertake surveys for particular species, what should be included in a survey and assessment, how to use the results in scheme design, how to avoid and mitigate harm, compensate for biodiversity loss and how to enhance sites to provide for a net gain in biodiversity, where possible.

NEXT STAGES

12. A working group has been set up that includes officers from the three Central Lancashire authorities, Lancashire County Council and the Wildlife Trust. This group has met on a number of occasions and work is currently at an advanced stage in drafting the SPD.
13. A consultation draft will be finalised and 6 week consultation undertaken in September/October. Responses will then be analysed and the SPD finalised. It is then proposed to report the final SPD to respective Councils with a recommendation to adopt in November/December.
14. Final adoption cannot take place until the SPD and a statement setting out the people consulted and a summary of the main issues raised and how they have been addressed, is made available for a minimum of 4 weeks. Adoption is intended to take place after this period, which is likely to be in January 2015.

Report Author	Ext	Date	Doc ID
Stephen Lamb	5282	23/06/14	JAC Biodiversity Report

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Appendix 1:

Central Lancashire Core Strategy Policy 22:

Biodiversity and Geodiversity

10.21 Biodiversity is the variety of life in all its forms; Geodiversity is the variety of rocks and landforms together with the processes that form them. It is important to recognise that the underlying geology affects the landscape of areas and the biological diversity that land can sustain. A wide range of sites important to wildlife habitats and species exist in Central Lancashire, and whilst some areas/sites are afforded greater protection through legislation, the Core Strategy recognises the ecological value of all levels.

10.22 Within Central Lancashire there exist elements of the entire hierarchy of designations. At the European level the Ribble and Alt Estuaries are designated as a Special Protection Area (SPA) for birds, a Ramsar International wetland, a National Nature Reserve and a Site of Special Scientific Interest (SSSI). There are significant areas of European Directive Priority Habitats (mainly saltmarsh and active blanket bog). The area also contains many regional and locally designated sites including several hundred Biological Heritage Sites (BHSs) and a number of Local Nature Reserves. Central Lancashire is home to various protected animals and plant species; Biodiversity Action Plans set out management strategies for their conservation, maintenance and enhancement. There are also 17 Geological Heritage Sites in the plan area.

10.23 The Core Strategy will help ensure that areas/sites with international, national and local designations will not be adversely affected by new development.

Ecological Networks

10.24 Design of the natural environment is equally important when considering the protection, maintenance, restoration and re-establishment and favourable condition of biodiversity and geodiversity. This can help to nurture and conserve habitat and species colonisation, and prevent fragmentation.

10.25 Ecological networks were introduced through national planning policies as an opportunity to design for the future of ecology through spatial planning. Policy 22 conforms to national guidance and will be further developed in future planning documents

Policy 22: Biodiversity and Geodiversity

Conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area, through the following measures:

- (a) Promoting the conservation and enhancement of biological diversity, having particular regard to the favourable condition, restoration and re-establishment of priority habitats and species populations;**
- (b) Seeking opportunities to conserve, enhance and expand ecological networks;**
- (c) Safeguarding geological assets that are of strategic and local importance.**

Emerging Chorley Local Plan 2012 – 2026

Policy BNE9: Biodiversity and Nature Conservation

- 7.1** All sites with international, national and local environmental designations are recognised by the Core Strategy and are afforded a level of protection from any adverse impacts of development through Core Strategy Policy 22: Biodiversity and Geodiversity.
- 7.2** Chorley has an extensive network of sites important for biodiversity. These include Sites of Special Scientific Interest (SSSI) which are statutory sites of national conservation value. There are at present two SSSIs in Chorley Borough, at White Coppice and Charnock Richard. The locations of these sites are shown on the Policies Map.
- 7.3** Similarly, at the county and local level, sites that make a significant contribution to the natural diversity of the Plan area and are worthy of protection in their own right are Biological Heritage Sites (BHS), Geological Heritage Sites (GHS) and Wildlife Corridors. They form an important part of the nature conservation network and need to be protected from development that will cause fragmented networks or isolated habitats. Biological Heritage Sites (BHS) and Geological Heritage Sites (GHS) are identified on the Policies Map.
- 7.4** As well as the need to protect, conserve and enhance designated sites it is also important to protect, conserve and enhance nationally and locally important species that use a variety of sites/habitats as part of a nature conservation network. An Ecological Network for Lancashire is currently being identified, and this will include Chorley.
- 7.5** Biodiversity has many important roles and functions including protecting biodiversity for its own sake, adapting to climate change, recreation, health and wellbeing etc. As part of a changing climate it is important to allow habitats and species the opportunities to adapt, making provision where possible. Ecological networks form an important basis for this and it is the Council's view that these networks should be maintained and enhanced, where appropriate to allow habitats and species the best opportunity to adapt to a changing climate.
- 7.6** Priority species and habitats (as covered by Local Plan Policy BNE11) play an important role and are protected under European and National Law. Where species or habitats may come under threat, it is the developer's responsibility to carry out all necessary surveys. Ecology surveys need to be provided to assess the quality, quantity and value of biodiversity on site or near the site and how the development may affect biodiversity. In certain cases development will not be permitted and in other cases mitigation/ compensatory measures of equal area, quality and diversity, if not higher will apply to try and reduce or overcome the impacts and where possible provide net gains or enhancements to improve the Borough's nature conservation assets.
- 7.7** The Council will work with the other Central Lancashire authorities of Preston and South Ribble and the Wildlife Trust, with a view to agreeing a Central Lancashire approach to nature conservation. This may be in the form of a Supplementary Planning Document (SPD).

BNE9: Biodiversity and Nature Conservation

In Chorley, Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced:

Priority will be given to:

- i. Protecting and safeguarding all designated sites of international, national, regional, county and local level importance including all Ramsar sites, Special Protection Areas, Special Areas of Conservation, national nature reserves, sites of special scientific interest and biological heritage sites, geological heritage sites, local nature reserves and wildlife corridors together with any ecological network approved by the Council;
- ii. Protecting, safeguarding and enhancing habitats for European, nationally and locally important species;
- iii. The ecology of the site and the surrounding area (safeguarding existing habitats / features such as but not exclusive to trees, hedgerows, ponds and streams), unless justified otherwise.
- iv. When considering applications for planning permission, protecting, conserving, restoring and enhancing Chorley's ecological network and providing links to the network from and/or through the proposed development site.

In addition development must adhere to the provisions set out below:

- a) The production of a net gain in biodiversity where possible by designing in wildlife and by ensuring that any adverse impacts are avoided or if unavoidable are reduced or appropriately mitigated and/or compensated;
- b) The provision of opportunities for habitats and species to adapt to climate change;
- c) The support and encouragement of enhancements which contribute to habitat restoration;
- d) Where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs;
- e) In exceptional cases where the need for development in that location is considered to significantly outweigh the impact on the natural environment, appropriate and proportionate mitigation measures or as a last resort compensatory habitat creation and/or restoration will be required through planning conditions and/or planning obligations.

The following definition of what constitutes damage to natural environmental assets will be used in assessing applications potentially impacting upon assets:

1. Loss of the undeveloped open character of a part, parts or all of the ecological network;
2. Reducing the width or causing direct or indirect severance of the ecological network or any part of it;
3. Restricting the potential for lateral movement of wildlife;
4. Causing the degradation of the ecological functions of the ecological network or any part of it;

5. Directly or indirectly damaging or severing links between green spaces, wildlife corridors and the open countryside; and
6. Impeding links to ecological networks recognised by neighbouring planning authorities.
7. Significant adverse effect on the interest features of a designated nature conservation site.

Emerging South Ribble Site Allocations and Development Management Policies Development Plan Document

Policy G16 – Biodiversity and Nature Conservation

The borough's Biodiversity and Ecological Network resources will be protected, conserved and enhanced. The level of protection will be commensurate with the site's status and proposals will be assessed having regard to the site's importance and the contribution it makes to wider ecological networks:

Regard will be had to:

- Protecting and safeguarding all designated sites of international, national, regional, county and local level importance including all Ramsar, Special Protection Areas, Special Areas of Conservation, national nature reserves, sites of special scientific interest and biological heritage sites, geological heritage sites, local nature reserves, wildlife corridors together with any ecological network approved by the Council;
- Protecting, safeguarding and enhancing habitats for European, nationally and locally important species;
- When considering applications for planning permission protecting, conserving and enhancing the borough's ecological network and providing links to the network from and/or through a proposed development site.

In addition development should have regard to the provisions set out below:

- a) The need to minimise impacts on biodiversity and providing net gains in biodiversity where possible by designing in wildlife and by ensuring that significant harm is avoided or if unavoidable is reduced or appropriately mitigated and/or, as a last resort, compensated;
- b) The need to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations;
- c) Where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site planning applications must be accompanied by a survey undertaken by an appropriate qualified professional;
- d) Where the benefits for development in social or economic terms is considered to outweigh the impact on the natural environment, appropriate and proportionate mitigation measures and/or compensatory habitat creation of an equal or greater area will be required through planning conditions and/or planning obligations.

Emerging Preston Local Plan 2012 - 2026

Natural Environment

- 8.1** The Framework states that the planning system should contribute to and enhance the natural and local environment. It requires that Local Planning Authorities set out criteria based policies against which proposals for any development on or affecting potential wildlife or geodiversity sites or landscape areas will be judged. It states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; and minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 8.2** The Framework states that the planning system should contribute to and enhance the natural and local environment. It requires that Local Planning Authorities set out criteria based policies which proposals for any development on or affecting potential wildlife or geodiversity sites or landscape areas will be judged. It states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; and minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 8.3** Core Strategy Policy 18: Green Infrastructure seeks to manage and improve environmental resources. The important contribution landscape makes to an area's distinctiveness is also highlighted in Core Strategy Policy 21: Landscape Character Areas, and Policy 17: Design of New Buildings – which require new development to be well integrated into the landscape.

Biodiversity and Nature Conservation

- 8.4** All sites within international, national and local environmental designations are recognised by the Core Strategy and are afforded a level of protection from any adverse impacts of development through Core Strategy Policy 22: Biodiversity and Geodiversity.
- 8.5** Preston has an extensive network of sites important for biodiversity. These include Sites of Special Scientific Interest (SSSI), statutory sites of national conservation value. There is at present one SSSI, Red Scar and Tun Brook Woods SSSI, within Preston as shown on the Policies Map.
- 8.6** Similarly, at the county and local level sites that make a significant contribution to the natural diversity of the Plan area and are worthy of protection in their own right are Biological Heritage Sites (BHS), Geological Heritage Sites (GHS) and Wildlife Corridors. They form an important part of the nature conservation network and need to be protected from development that will cause fragmented networks or isolated habitats. Biological Heritage Sites (BHS) and Geological Heritage Sites (GHS) are identified on the Policies Map.
- 8.7** As well as the need to protect, conserve and enhance designated sites it is also important to protect, conserve and enhance nationally and locally important species that use a variety of sites/habitats as part of a nature conservation network. Lancashire County Council is producing an Ecological Network covering the County, and this includes Preston.

- 8.8 Biodiversity has many important roles and functions including protecting biodiversity for its own sake, adapting to climate change, recreation, health and wellbeing etc. As part of a changing climate it is important to allow habitats and species the opportunities to adapt, making provision where possible. Ecological networks form an important basis for this and it is the Council's view that these networks should be maintained and enhanced, where appropriate to allow habitats and species the best opportunity to adapt to a changing climate.
- 8.9 Priority species [*PC77*] **(as covered by Policy EN11)** and habitats (~~as covered by Policy EN11~~) play an important role and are protected under European and National Law. **The Natural Environment and Rural Communities (NERC) Act came into force on 1st October 2006. Section 41 (S.41) of the Act requires the Secretary of State to publish a list of habitats and species which are of principle importance for the conservation of biodiversity in England. The list has been drawn up in consultation with Natural England, as required by the Act.**
- 8.10 **The S41 list is used to guide decision-makers such as public bodies, including local authorities, in implementing their duty under section 40 of the NERC Act to have regard to the conservation of biodiversity in England, when carrying out their normal functions.** Where species or habitats may come under threat, it is the developer's responsibility to carry out all necessary surveys. Ecology surveys need to be provided to assess the quality, quantity and value of biodiversity on site or near the site and how the development may affect biodiversity. In certain cases development will not be permitted and in other cases mitigation/compensatory measures of [*PC78*] **at least** equal area, quality and diversity, if not higher will **be required** apply to try and **in order to** reduce or overcome the impacts and where possible provide net gains or enhancements to improve the borough's **Preston's** nature conservation assets.
- 8.11 The Council will work with the other Central Lancashire authorities of Chorley and South Ribble and the Wildlife Trust, with a view to agreeing a Central Lancashire approach to nature conservation. This may be in the form of a Supplementary Planning Document (SPD)

Policy EN10 – Biodiversity and Nature Conservation

In Preston, Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced:

Priority will be given to:

- i. Protecting and safeguarding all designated sites of international, national, regional, county and local level importance including all Ramsar sites, Special Protection Areas, Special Areas of Conservation, national nature reserves, sites of special scientific interest and biological heritage sites, [PC79] **S41 Habitats of Principle Importance**, geological heritage sites, local nature reserves and wildlife corridors together with any ecological network approved by the Council;
- ii. Protecting, safeguarding and enhancing habitats for European, nationally and locally important species;
- iii. The ecology of the site and the surrounding area (safeguarding existing habitats/features such as but not exclusive to trees, hedgerows, ponds and streams), unless justified otherwise.
- iv. When considering applications for planning permission, protecting, conserving, restoring and enhancing Preston's ecological network and providing links to the network from and/or through the proposed development site.

In addition development must adhere to the provisions set out below:

- a. The production of a net gain in biodiversity where possible by designing in wildlife and by ensuring that any adverse impacts are avoided or if unavoidable are reduced or appropriately mitigated and/or compensated;
- b. The provision of opportunities for habitats and species to adapt to climate change;
- c. The support and encouragement of enhancements which contribute to habitat restoration;
- d. Where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs;
- e. In exceptional cases, where the need for development in social or economic terms is considered to significantly outweigh the impact on the natural environment, appropriate and proportionate mitigation measures and/or compensatory habitat creation and/or restoration will be required through planning conditions and/or planning obligations.

The following definition of what constitutes damage to natural environment assets will be used in assessing applications potentially impacting upon assets:

1. Loss of the undeveloped open character of a part, parts or all of the ecological network;
2. Reducing the width or causing direct or indirect severance of the ecological network or any part of it;
3. Restricting the potential for lateral movement of wildlife;
4. Causing the degradation of the ecological functions of the ecological network or any part of it;
5. Directly or indirectly damaging or severing links between green spaces, wildlife corridors and the open countryside; and
6. Impeding links to ecological networks recognised by neighbouring planning authorities.

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