

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 49
Brighton & Hove City Council

Subject: Nature Conservation and Development
Supplementary Planning Document (SPD)

Date of Meeting: 11 September 2008

Report of: Director of Environment

Contact Officer: Name: **Matthew Thomas** Tel: **29-2371**
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Key Decision: Yes Forward Plan No. ENV2887

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 The report sets out the results of consultation undertaken on the draft Nature Conservation and Development Supplementary Planning Document ("SPD") and seeks approval of the changes made as a result of these representations. It recommends adoption of the SPD to support the implementation of policies QD 17, 18, and NC1-4 of the Brighton & Hove Local Plan. The Summary of Responses to public consultation is attached as Appendix 1 and the draft SPD is attached as Appendix 2. Copies of the annexed documents are available in the Members' Rooms.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member notes the results of the public consultation exercise (Appendix 1) and to endorse the changes made to the draft Nature Conservation and Development SPD.
- 2.2 That the Cabinet Member adopts the Nature Conservation and Development SPD as part of the Local Development Framework, subject to any minor grammatical and non-material text and illustrative alterations agreed by the Director of Environment in consultation with the Cabinet Member for Environment.
- 2.3 That the Cabinet Member agrees that the Nature Conservation and Development SPD be implemented on 1 October 2008.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Early stakeholder consultation on Issues & Options for the SPD took place in December 2005. A workshop was attended by representatives of the Council's Wildlife Advisory Group and local and national nature conservation groups. A summary of the findings was sent to all attendees and their comments invited.

Responses informed the format and content of the draft Nature Conservation and Development SPD.

- 3.2 The resulting SPD provides a clear, sequential process for developers to follow to ensure national and local policy on biodiversity is achieved. It introduces 4 steps, from an initial assessment of a potential development site, through to the aftercare of biodiversity post-development. This standard approach promotes the smooth running of the application process by ensuring the nature conservation implications of development are predictable and workable and that only relevant development proposals are affected. The SPD also includes a range of good practice case studies.
- 3.3 Detailed annexes include a list of notable habitats and species found in Brighton and Hove, a summary of legislation and policy relating to biodiversity, a 'hazard prevention checklist' for biodiversity on development sites and a comprehensive list of useful contacts and further advice.
- 3.4 The first draft Nature Conservation and Development SPD was reported to Environment Committee in September 2006 and approved for consultation with stakeholders and other groups. The subsequent consultation took place during autumn 2006. There was strong support for both the concept and content of the draft SPD.
- 3.5 In response to the consultation, Annex 6, which relates to calculating developer contributions towards nature conservation, was extensively redrafted. A second draft of the SPD and Annexes was subsequently approved by Environment Committee on 8 November 2007 for the purpose of statutory public consultation. This took place for a period of six weeks from 12 February to 25 March 2008.
- 3.6 In response to comments made during the second statutory consultation, as detailed in Appendix 1 to this Report, the following amendments have been made to the draft SPD:
 - More emphasis has been placed on 'ecological services' and the multi-functional benefits of building nature into urban areas.
 - More reference has been made to the need to ameliorate the potential effects of climate change.
 - References to planning policy have been revised and updated where relevant since the first draft was produced.
 - Revisions and additions have been made to Annex 7 (lists of ornamental plants with nature conservation value).
 - Minor changes to the text have been made which together provide greater clarity and strengthen the case for the integration of biodiversity into new development.

4. CONSULTATION

- 4.1 As noted in paragraph 3.5 above, statutory public consultation on the second draft SPD was undertaken for 6 weeks in February-March 2008. Among those who contributed were Government agencies, Brighton & Hove City Council officers; members of the public; environment and community groups and businesses.
- 4.2 The second draft SPD was sent to several hundred organisations, groups and/or individuals and publicised on the council's website and in the Brighton & Hove Argus. A workshop was also held on 13th March 2008 specifically to assess whether the revised Annex 6 addressed previously raised issues. A total of 14 written representations were received and 9 organisations were represented at the workshop (details are provided in Appendix 1).
- 4.3 Both the Environment Agency and Natural England were strongly supportive. Twelve of the respondents welcomed the SPD as a means of improving the biodiversity value of development within Brighton and Hove. One member of the public was critical of some of the detailed content of the SPD but did not object to publication of the document in principle.
- 4.4 Annex 6 attracted the greatest level of comments from the respondents to the original consultation. All respondents accepted that the revised annex provided clarity and consistency. After taking account of national planning guidance and the operation of the revised annex, all the outstanding concerns raised by the second consultation were resolved (See Appendix 1) and therefore no further changes have been proposed.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

There are no direct financial implications arising from the recommendations contained within this report.

Finance Officer Consulted: Patrick Rice

Date: 08/08/08

Legal Implications:

The formal consultation on the draft SPD complied with regulations 17 and 18 of the Town and Country Planning (Local Development) (England) Regulations 2004. The Sustainability Appraisal, which accompanies the draft SPD, complies with Section 39 of the Planning and Compulsory Purchase Act 2004. No adverse human rights implications have been identified as arising from the report. The adopted SPD will be a material planning consideration in the determination of relevant planning applications.

Lawyer Consulted:

Hilary Woodward

Date: 04/08/08

Equalities Implications:

Local Development Framework Core Strategy Equality Impact Assessment (EQIA) issues relevant to this SPD have been considered. Monitoring and implementation measures have been put in place to evaluate the impact of this SPD as a result.

Sustainability Implications:

The SPD aims to secure protection and enhancement of biodiversity within the city. Proposed amendments include additional references to ameliorate the effects of climate change. Inclusion of biodiversity within new development within the city will assist urban cooling and reduce storm-water runoff amongst other benefits. The SPD was subject to a Sustainability Appraisal.

Crime & Disorder Implications:

None identified.

Risk and Opportunity Management Implications:

None identified.

Corporate / Citywide Implications:

None identified.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 As part as the SPD development process, alternative options were discussed with stakeholders at the early consultation phase. The Sustainability Appraisal tested the possibility of 'doing nothing' and looked at other options for delivery.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To make Members aware of the representations made on the SPD and officers recommended responses.
- 7.2 To ensure there is detailed, up to date, clear and locally relevant advice to all those with an interest in the development process on the integration of biodiversity into development.
- 7.3 To improve the biodiversity value of development in Brighton and Hove and make sure all developments adequately address national planning guidance on biodiversity.
- 7.4 To enable the local planning authority to prepare for implementation of the SPD and local planning applicants/agents to familiarise themselves with its contents.

SUPPORTING DOCUMENTATION

Appendices:

1. Summary of responses to public consultation, March 2008.
2. Nature Conservation and Development SPD.

Documents In Members' Rooms

1. Summary of responses to public consultation, March 2008.
2. Nature Conservation and Development SPD.
3. Nature Conservation and Development SPD – annex document.
4. Sustainability Appraisal.

Background Documents

1. Minutes Environment Committee of 8th November 2007 (item 92 on agenda).
2. Consultation Statement.
3. Sustainability Appraisal.

