

Animal Welfare Charter Sub-Committee – 16 April 2004

Minutes of the meeting of the **Animal Welfare Charter Sub-Committee** held on **16 April 2004** when there were present:-

Cllr Mrs M J Webster (Chairman)

Cllr R A Amner
Cllr Mrs S A Harper

Cllr J M Pullen

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Mrs T J Capon and J R F Mason.

OFFICERS PRESENT

S Scrutton - Head of Planning Services
H Meggison - Environmental Health Assistant
S Worthington - Committee Administrator

18 MINUTES

The Minutes of the meeting held on 10 February 2004 were approved as a correct record and signed by the Chairman.

19 DECLARATIONS OF INTEREST

Cllr Mrs S A Harper declared a personal interest by virtue of being a member of the RSPB and EHPPS and of having made donations to IFAW, REDWINGS, AHT and ACT and of having subscribed to PETA.

Cllr Mrs M J Webster declared a personal interest by virtue of being a member of and either subscribing or donating to RSPB, RSPCA, PDSA, Blue Cross, IFAW, PETA, South East Essex Animal Welfare Organisation, Animal Aid, Hunt Saboteurs Association, League Against Cruel Sports, Cats Protection League, Cat Action Trust, Canine Defence League, National Trust, National Trust Rayleigh Mount Committee, Compassion in World Farming, Essex Wildlife Trust, Council for the Protection of Rural England, Council for the Protection of Rural Essex, Friends of the Earth, Greenpeace, Badger Protection Association, Fox Watch, Sir Francis of Assisi Group, The Cinnamon Trust, Donkey Trust, The Brook Animal Hospital, The Vegetarian Society, The Vegan Society, The Rescuers Wildlife Centre and organisations concerning dancing bears in Pakistan and concerning bears in China.

20 WILDLIFE/ENVIRONMENTAL ISSUES IN DEALING WITH PLANNING APPLICATIONS

The Chairman welcomed the Council's Head of Planning Services to the meeting.

Extracts taken from Planning Policy Guidance notes 9 and 7 were circulated to Members of the Sub-Committee and are appended to these Minutes. It was noted that the Government issued Planning Policy Guidance notes (PPGs), which provided a framework for Local Planning Authorities in determining planning applications. These were regularly revised by the Government. PPG9 specifically dealt with wildlife issues, while PPG7 dealt with rural areas and conservation issues. Paragraph 3 of PPG9 highlighted the dichotomy facing the Local Planning Authority of, on the one hand being charged with making adequate provision for development and economic growth, while on the other hand also attempting to protect wildlife and conservation areas.

Currently, Local Planning Authorities consult with English Nature with respect to protected species before determining planning applications that have an issue relating to wildlife. It is the responsibility of English Nature to process any licensing for the translocation of protected species. However, the Government has been examining the whole planning process and has consulted with Local Authorities via its Habitats Directive And Land-Use Planning – consultation paper on proposals to introduce new legislation to place a specific obligation on local Planning Authorities to satisfy the requirements of the Habitats Directive with respect to European protected species and for derogation to be issued as part of the planning process. The outcome of the Government's consultation was not yet known.

The Wildlife and Countryside Act 1981 provided Local Planning Authorities with a detailed framework for development control decisions, while protecting the natural habitat of wildlife.

Under the proposed new Local Development Framework, Members believed that there could be merit in neighbouring Authorities developing joint development documents with respect to wildlife and conservation issues.

It was noted that, with respect to the Rochford District Replacement Local Plan, Government advice was to continue with the Second Deposit Local Plan towards adoption. A report will be considered by the Environment Overview and Scrutiny Committee in May.

Officers confirmed that the Council's website already contained links to the website of the Office of the Deputy Prime Minister, where all the Planning Policy Guidance notes were located. Members believed that there would be merit in officers including on the Planning portal of the Council website frequently asked questions by residents relating to wildlife issues with respect to planning applications. Officers confirmed that they would circulate to Members of the Sub-Committee a list of information available to residents on the website and by leaflets issued by the Planning department, on wildlife and conservation issues related to planning applications.

It was noted that Chapter 8 of the Rochford District Replacement Local Plan contains specific planning objectives relating to rural conservation, broken

down into specific areas that include nature conservation, local nature reserves, sites of special scientific interest, sites of interest for nature conservation, nature conservation zones, landscapes, coastal areas and trees and woodland.

The Essex Wildlife Trust had completed a detailed survey of the District, which had resulted in the identification of sites of interest for nature conservation. It has been recognised that those sites identified should be afforded protection from inappropriate development and they will be included in the Local Plan proposal maps. Responding to a Member enquiry relating to the Local Plan, officers confirmed that wildlife and conservation issues were comprehensively addressed within the Rochford District Replacement Local Plan. It was anticipated that the Local Plan would form the basis for the new Local Development Framework, work on which would commence once the Second Deposit of the Local Plan had been put forward for adoption.

It was noted that there were incidences of trees being hastily felled prior to the determination of planning applications, without due regard for wildlife and high water yield issues. Current legislation protecting trees was very specific in that tree preservation orders could only be granted for trees that contributed to public amenity; this would clearly not apply to trees within private gardens. However, Members believed that the Council had a responsibility to remind residents that chopping down trees during nesting season, or when trees housed bats, for example, was not acceptable. Residents should also be reminded of the danger of heave to homes caused by chopping down trees hastily that had a high water yield. Building Regulations addressed the issue of potential damage to the foundations of buildings on new developments that could be caused by tree roots by means of buildings being designed in such a way as to allow room for tree roots.

Members believed that there would be merit in the inclusion of an article in *Rochford District Matters* updating residents on the work within the Local Plan on wildlife and conservation issues and informing residents that the intention was for all such work to be transferred, in time, to the new Local Development Framework. The article should also remind residents that any potential felling of trees in the context of a planning application should be dealt with great sensitivity.

In response to an enquiry relating to how the planning policy framework worked in the context of development control, officers confirmed that Planning officers, when determining any planning application, would always assess whether there was a wildlife or conservation issue involved, and would accordingly ask that an appropriate survey, eg, a bat survey, be conducted as part of the application, the costs to be borne by the applicant.

Officers noted a concern raised by Members that, after a planning application being approved, subject to the translocation of endangered species on the site, the translocation often did not work, resulting in the animals not surviving the move. It was, however, currently the responsibility of English Nature to

facilitate all such translocations.

It was noted that, although the Local Plan did not require the Local Planning Authority to identify sites for future housing or employment growth, in future it would be necessary to identify such sites under the Local Development Framework. Within the District, land outside the existing residential boundaries had already been surveyed as part of an examination of Green Belt Boundaries: the results would be used to assist the identification of land for future housing and employment needs when preparing the Local Development Framework.

The intention was for Local Development Frameworks to undergo regular review, with policies updated regularly. It was evident that resources required for the Local Development Framework would be different to those needed for the Local Plan, as there would be a higher level of continuous activity required for the new system.

Responding to a Member enquiry relating to the training of Planning officers, officers confirmed that, as Local Planning Authorities worked within the context of current planning legislation, it was a requirement that Planning officers had a detailed and up to date knowledge of Planning legislation and the ability to interpret reports relating to planning applications; they were also alert to wildlife issues in dealing with planning applications. Planning officers were also actively encouraged to attend both local and national conferences.

It was noted that, were it not for the fact that the Authority had its own ecologist, Planning staff would need to have more regular updates on ecological issues. Although English Nature was responsible for policing legislation relating to endangered species, often the Council's own ecologist could deal with wildlife issues relating to a planning application more quickly than English Nature. The staff post was an invaluable resource that Members believed should be commended to other Local Authorities.

It was noted that all applicants were invited to attend a pre-planning application discussion at the Planning offices; such discussions could often highlight any potential requirements for wildlife surveys as part of the planning application. In addition, regular case conferences were conducted by Planning officers shortly after receipt of each planning application.

Concluding the discussion, Members believed that there would be merit in proposing the development of wildlife areas for residents within the District, for example wildlife walks at Foulness Island, with observation posts of wading birds, and at Wallasea Island where a new sea wall and salt marshes would be created, particularly given moves to develop Rochford as the centre for leisure and tourism within Thames Gateway South Essex.

Resolved

That an article should be included in *Rochford District Matters* updating

residents on the work within the Local Plan on wildlife and conservation issues and dealing with the issue of felling trees in the context of planning applications. (HPS)

And further **Recommended**

That the staff ecologist post should be commended to other Local Authorities.

That the development of wildlife areas for residents within the District should be actively encouraged, given moves to develop Rochford as the centre for leisure and tourism within Thames Gateway South Essex. (HHHCC)

21 **ANIMAL WELFARE CHARTER**

Tethering of Horses

Responding to a Member enquiry relating to the tethering of horses, officers confirmed that it was not illegal to keep horses tethered on open land, provided that the area was kept clear of debris. Legal requirements for the animals' upkeep when tethered were minimal. Current legislation only allowed action to be taken in the event of a horse suffering an accident while tethered. Members of the Sub-Committee believed that there would be merit in appealing to the District's MPs to support a change in legislation that would lead to better protection and conditions for tethered horses.

Home Boarding for Dogs and Cats

Members of the Sub-Committee were supportive of the development of home boarding for cats and dogs, although some licensing issues would need to be resolved by officers.

It was the general consensus of the Sub-Committee that home boarding or pet sitting was preferable to boarding kennels.

The meeting commenced at 10.00 am and closed at 12.05 pm.

Chairman

Date