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**PPS9 - BIODIVERSITY & GEOLOGICAL CONSERVATION  
DRAFT CIRCULAR - BIODIVERSITY & GEOLOGICAL  
CONSERVATION - STATUTORY OBLIGATIONS AND THEIR  
IMPACT WITHIN THE PLANNING SYSTEM**

**1 SUMMARY**

- 1.1 This report seeks Members' views on draft Planning Policy Statement 9 on Biodiversity and Geological Conservation and a related draft Circular.

**2 BACKGROUND**

- 2.1 Planning Policy Guidance Note No. 9- Nature Conservation is the latest PPG to be reviewed by the Government in line with their commitment to replace all PPG's with Planning Policy Statements (PPS). In addition, the Government has also published a draft Circular to provide administrative guidance on the application of the law.
- 2.2 Comments on both the draft PPS9 and the supporting Circular are required by 9 December 2004. Copies of both documents have been placed in the Members' Library.

**3 PPS9**

- 3.1 The central premise of the new Planning Policy Statements is to provide a concise, clear statement of Planning Policy.
- 3.2 PPS9 is based on the existing Policies from PPG9, but the Government contends that the revision has a clearer focus on the need to conserve, enhance and restore biological and geological diversity.
- 3.3 PPS9 is, in fact, to all intents and purposes only 4 pages long: the bulk of the material included in PPG9 has been removed. Ironically, this has not been discarded, but will be included in the new Circular discussed later in this report and a yet to be published Good Practice Guide,.
- 3.4 PPS9 sets out a series of key principles for Planning Authorities:
- Policies based on up-to-date information;
  - Policies should maintain, or enhance, or add to biodiversity and geological conservation interests;
  - Policies on the form and location of development should take a strategic approach to conservation;
  - Development enhancing or conserving should be permitted;
  - Authorities should consider whether proposed developments can be accommodated without causing harm to conservation interests;

- If harm is likely, then mitigation will be required; and
- Development Policies should promote conservation opportunities.

- 3.5 Policy advice is provided on the various protective site classifications:
- International sites must be shown on proposals maps, but there is no requirement for specific Development Plan Policies;
  - SSSI's - any development likely to have an adverse impact should not normally be granted planning permission;
  - Regional and local sites may be subject to policies in Local Development Documents;
  - Ancient Woodland - any areas without statutory protection (SSSI) should be identified and protected by policy;
  - Networks of natural habitats - these should be protected and ways found to enhance them; and
  - Previously developed sites - these often have conservation value and this should be taken into account.

- 3.6 The final section of the PPS deals with species protection. The advice is that Authorities should only refuse permission where harm to the species or their habitat would result, unless the need for and benefits of the development clearly outweigh that harm.

- 3.7 Given the brief length of draft PPS9, the advice it provides is of necessity fairly high level and broad brush. However, the message is clear and the importance of dealing carefully with biological and geological issues is recognised. For many Authorities, though, the advice included in the draft Circular (and Good Practice Guide) will provide the operational advice for preparing Plan policies and determining planning applications.

#### **4 DRAFT CIRCULAR**

- 4.1 The draft Circular is intended to provide administrative guidance on the application of the law relating to planning and nature conservation. The document, structured on a topic basis, brings together advice on all sources of relevant legislation.

- 4.2 The Circular provides detailed advice on:
- Special Protection Areas (SPA's) classified under the EC Birds Directive;
  - Special Areas of Conservation (SAC's) classified under the EC Habitats Directive and RAMSAR sites;
  - SSSI's, including the consultation and notification processes;
  - Planning for nature conservation outside designated sites;
  - Conservation of species; and
  - Environmental impact assessments.

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- 4.3 The advice included in the draft Circular is clearly written and, it is considered, provides a good guide to the complex framework of protective designations. The advice on environmental impact assessments is rudimentary, although there is no need to duplicate advice from elsewhere.

## **5 CONCLUSION**

- 5.1 Whilst PPS9 is very brief, it does nevertheless highlight the key issues for Local Planning Authorities in dealing with nature conservation issues. The title of the new Policy Statement also reflects the importance of addressing 'geological/landscape' issues as well as the traditional focus on flora and fauna. This new focus is to be welcomed.
- 5.2 The draft Circular provides a lucid summary of the legislative and administrative issues.

## **6 RECOMMENDATION**

- 6.1 It is proposed that the Committee **RESOLVES**

That, subject to comments from Members, the Office of the Deputy Prime Minister be advised that Rochford District Council considers that the draft PPS9 and supporting Circular provides clear advice on biodiversity and geological conservation.

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### **Background Papers:-**

Planning Policy Statement 9 – Biodiversity and Geological Conservation, September 2004.

Draft Government Circular: Biodiversity and Geological Conservation – statutory Obligations and their impact within the planning system, September 2004.

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