

## CHAPTER 4 NATURAL & MAN-MADE ENVIRONMENT

### 4.3. NATURE CONSERVATION.

#### 4.3.1. PARAGRAPH 4.3.3.

Objection

89	Council for the Protection of Rural England
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Issue

**Whether reference should be made to County Wildlife Sites in the introduction to Nature Conservation**

Inspector's reasoning and conclusions

**County Wildlife Sites are mentioned under Sites of Local Nature Conservation or Geological Importance in paragraphs 4.3.11 - 14 of the Plan. I discern no necessity to refer to them here and as no rationale for their inclusion is advanced by the objector I do not propose to recommend any modification.**

#### 4.3.1.1. RECOMMENDATION

I recommend that no modification be made in response to this objection.

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#### 4.3.2. local plan objective & change no 36

Objections

385	Country Landowners Association
596	Somerset Wildlife Trust
793	Government Office for the South West

Objection conditionally withdrawn

508	English Nature
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Supporters of change

2565	Somerset Wildlife Trust
2104	English Nature

Inspector's note

**Objection 508 is conditionally withdrawn in response to PC36.**

Issues

**Whether the Objective appropriately recognises the strength of protection afforded to international, national and local designations.**

Inspector's reasoning and conclusion

**I consider the relative strength of the various categories of site is adequately explained in the explanatory text accompanying Policies NC/1 and NC/2. In accordance with paragraph 14 of PPG9 PC36, which I support, alters the emphasis of the Local Plan Objective from safeguarding the hierarchy of designated sites to a more general intention to enhance the diversity of habitats and wildlife, together with important landscape features in the Plan area. I consider it is consistent with the national guidance and appropriately meets the objections.**

#### 4.3.2.1. RECOMMENDATION

I recommend that the Plan be modified by PC 36.

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#### 4.3.3. Para. 4.3.5 & Change No 37

Objection

685	Government Office for the South West
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Supporter

904	Somerset County Council
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Supporters of PC37

2105	English Nature
2434	Council for the Protection of Rural England

Issue

**Whether 'often' should be deleted from the second sentence.**

Inspector's reasoning and conclusions

**I support PC37, which satisfies the objection.**

#### 4.3.3.1. RECOMMENDATION

I recommend that the Plan be modified by PC37.

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#### 4.3.4. Para. 4.3.8.

Objection

905	Somerset County Council
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Supporter of PC38

2111	English Nature
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Issue

**Whether the paragraph should be amended to include a reference to National Nature Reserves and the date of the General Development Order**

Inspector's reasoning and conclusions

**I concur with the insertions made by PC38, which meet the objection.**

#### 4.3.4.1. RECOMMENDATION

I recommend that the Plan be modified by PC38.

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#### 4.3.5. Para. 4.3.9

Objection

588	Somerset Wildlife Trust
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Conditionally withdrawn objection

906	Somerset County Council
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Supporter of PC41

2106	English Nature
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Issue

**Whether the paragraph should be amended to reflect the designation of Special Areas of Conservation under the Habitats Directive and not the Birds Directive.**

Inspector's reasoning and conclusions

**Of the sites of international importance Special Areas of Conservation (SACs) are designated under the Habitats Directive while Special Areas of Protection (SPAs) are designated under the Wild Birds Directive. I concur with the correction made by PC41.**

#### 4.3.5.1. RECOMMENDATION

I recommend that the Plan be modified by PC41.

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#### 4.3.6. para 4.3.10 & change no 41

Objection

908	Somerset County Council
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Objection to PC41

2383	Environment Agency-South West Region
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Supporter of PC41

2110	English Nature
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Issue

**Whether the paragraph should be amended to incorporate references to international designated sites in order to explain the proposed new Policy NC/1(a).**

Inspector's reasoning and conclusion

**There is no explicit need to cite proposed SACs in paragraph 4.3.10. PC41, which I recommend above, corrects the references to international designations in paragraph 4.3.9 and I make no further recommendation here.**

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4.3.7. policy nc/1 & change no 40.

Objections

90	Council for the Protection of Rural England
509	English Nature
589	Somerset Wildlife Trust
590	Somerset Wildlife Trust
686	Environment Agency-South West Region
775	British Wind Energy Association
794	Government Office for the South West
907	Somerset County Council

Supporters

533	West Somerset Watchdogs
1017	Old Cleeve Parish Council

Objections to PC40

2382	Environment Agency-South West Region
2435	Council for the Protection of Rural England
2566	Somerset Wildlife Trust

Supporter of PC40

2108	English Nature
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Issue

**Whether SSSIs should be subject to a separate policy from one dealing with sites which are the subject of international designations.**

Inspector's reasoning and conclusions

**I agree with objectors' advocacy and the LPA's agreement of the policy treatment of SSSIs separately from that relevant to internationally designated sites instead of the comprehensive but potentially confusing nature of Policy NC/1 in the deposit draft Plan. In view of the more stringent criteria applicable to international sites it is logical to divide Policy NC/1 into two separate policies PC40 expresses the revised Policy NC/1 applicable only to nationally designated sites whereas PC42 expressing a new Policy NC1/A prescribes more rigorous criteria to be satisfied by development proposals for international sites. I consider those changes better reflect the national guidance in PPG9 and generally meet the various objections. However, with regard to objection 2435 which seeks to substitute 'imposed' or 'required' it is not open to the LPA to be more exigent in a policy than to 'seek' planning obligations.**

#### 4.3.7.1. RECOMMENDATION

I recommend that the Plan be modified by PCs 40 and 42.

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#### 4.3.8. CHANGE NO 42 (Policy nc/1[a])

Objections

510	English Nature
909	Somerset County Council

Objections to PC42

2384	Environment Agency-South West Region
2567	Somerset Wildlife Trust

Supporters of PC42

2107	English Nature
2436	Council for the Protection of Rural England

Issues

- (i) **Whether development should only be permitted where comprehensive mitigation can be achieved.**
- (ii) **Whether 'on its own' should be inserted between 'adverse effect' and 'in combination'.**

Inspector's reasoning and conclusions

**Issue (i)**

**I consider the principle of comprehensive mitigation is subsumed in the use of planning conditions, obligations and management agreements supported in the new Policy NC/5 introduced by PC50. I consequently find no necessity to alter my support for PC42 above.**

**Issue (ii)**

**PC42 incorporates the minor wording amendment advocated in objection 2567 and I do not propose to make any further recommendation.**

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**4.3.9. Para. 4.3.11 & change no 43**

Objections

591	Somerset Wildlife Trust
796	Government Office for the South West

Objection to PC43

2082	Hon R T Lytton
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Supporters of PC43

2114	English Nature
2568	Somerset Wildlife Trust

Issues

- (i) Whether the Plan should explain the mode of selection of County Wildlife Sites and County Geological Sites.**
- (ii) Whether, in accordance with the guidance in paragraph 14 of PPG9, local designations should only be applied to sites of substantive nature conservation value and the Plan should be explicit about the level of protection afforded them.**

Inspector's reasoning and conclusions

**Issue (i)**

**PC43, with which I concur, amends the third sentence of paragraph 4.3.11 to identify the body responsible for selecting County Wildlife Sites and County Geological Sites.**

**Issue (ii)**

**PC44, with which I concur, inserts a new paragraph explaining the rigorous selection criteria, which are common to all districts in the administrative county, for County sites.**

4.3.9.1. RECOMMENDATIONS

**1.1.1I RECOMMEND THAT THE PLAN BE MODIFIED BY PCS 43 AND 44.**

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**4.3.10. policy nc/2 & change no 45**

#### Objections

592	Somerset Wildlife Trust
651	House Builders Federation

#### Conditionally withdrawn objections

511	English Nature
687	Environment Agency-South West Region
795	Government Office for the South West
910	
910	Somerset County Council

#### Supporter

534	West Somerset Watchdogs.
1018	Old Cleeve Parish Council

#### Objections to PC45

2250	House Builders Federation
2533	National Farmers Union
2437	Council for the Protection of Rural England
2569	Somerset Wildlife Trust

#### Supporter of PC45

2151	English Nature
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#### Inspector's note

**Objections 511, 687, 785, and 910 are conditionally withdrawn in response to PC45.**

#### Issues

- (i) **Whether, in view of the importance to biodiversity of sites of local nature conservation interest, the Policy should be amended to embrace the principle of 'no alternative means' and should retain reference to sites identified in the Plan period.**
- (ii) **Whether, in accordance with the guidance in PPG9, the Policy should recognise that social and economic objectives underlying development may be compatible with nature conservation.**
- (iii) **Whether PC45 accords with national policy guidance.**

#### Inspector's reasoning and conclusion

##### Issue (i)

**The identification of types of nature conservation site advocated in objection 592 is adopted in PC45. However, I do not consider the principle of 'no alternative means' acceptable in relation to the status of the types of site which this Policy seeks to protect. Such a restriction would be equal to that applied to statutorily designated sites and would be overly onerous.**

**Issue (ii)**

**I interpret the reference to 'importance of the development' in the first part of PC45 as subsuming economic and social considerations, in which case no more detailed reference is required. The second part of PC45 clarifies that, subject to appropriate safeguarding of the nature conservation interest, it may be possible for development to be permitted.**

**Issue (iii)**

**With regard to the diverse matters of detail raised in the objections to PC45 I consider the change compatible with national and strategic policies for nature conservation. However, the protection for stone walls sought in objection 2437 is not relevant to a policy for nature conservation.**

**4.3.10.1. RECOMMENDATION**

I recommend that the Plan be modified by PC 45.

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**4.3.11. Policy nc/3 & change no 46**

Objections

593	Somerset Wildlife Trust
1066	Hon R T Lytton

Conditionally withdrawn objections

512	English Nature
688	Environment Agency-South West Region
911	Somerset County Council

Supporter of PC46

2152	English Nature
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Inspector's note

**Objections 512, 688, 911, and 1958 are conditionally withdrawn in response to PC46.**

Issue

**Whether the references to planning conditions, planning obligations, and compensatory measures in Policies NC/1 and NC/2 as modified by PCs 40 and 45 render Policy NC/3 redundant.**

Inspector's reasoning and conclusions

**The references in PCs 40 and 45 clearly remove the necessity for Policy NC/3 and I support its deletion by PC46.**

**4.3.11.1. RECOMMENDATION**

I recommend that the Plan be modified by PC 46.

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#### 4.3.12 para. 4.3.15 & change no 48

Conditionally withdrawn objection

513	English Nature
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Objection to PC48

2570	Somerset Wildlife Trust
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Supporter of PC48

2153	English Nature
2154	English Nature

Inspector's note

**Objection 513 is conditionally withdrawn in response to PC48.**

Issue

**Whether wider reference to advisory nature conservation bodies should be made.**

Inspector's reasoning and conclusions

**I concur with the spirit of PC48 in response to objection 2570 but shall recommend a more euphonious version.**

##### 4.3.12.1. RECOMMENDATION

I recommend that the Plan be modified by PC 48, subject to the deletion of 'nature conservation bodies such as English Nature' and the insertion of 'such nature conservation bodies as English Nature'.

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#### 4.3.13. policy nc/4 & change no 49

Objections

594	Somerset Wildlife Trust
595	Somerset Wildlife Trust
652	House Builders Federation

Supporter

689	Environment Agency-South West Region
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Conditionally withdrawn objections

514	English Nature
912	Somerset County Council
1067	Hon R T Lytton

Objections to PC49

2251	House Builders Federation
2571	Somerset Wildlife Trust

Supporter of PC49

2155	English Nature
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Conditionally withdrawn objection to PC49

2084	Hon R T Lytton
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Inspector's note

**Objections 514, 902, 1067, and 2084 are conditionally withdrawn in response to PC49.**

Issues

- (i) **Whether the Policy should extend to species of importance to the conservation of biodiversity which are not subject to statutory protection.**
- (ii) **Whether the Policy should refer to the availability of specialist conservation advice in regard to development proposals.**
- (iii) **Whether, in accordance with paragraph 47 of PPG9, the Policy should require English Nature to be consulted on applications for planning permission for development which might harm protected species.**
- (iv) **Whether in PC49 'population or populations' should be substituted for 'individual members' and after 'alternative habitat' there should be added 'on site, or as close as possible to the site'.**

Inspector's reasoning and conclusions

**Issue (i)**

**The extension of protection sought in objection 594 falls outside national policy guidance in PPG9 and the Nature Conservation policies in the Somerset Structure Plan review. The definitive list of protected species is that in the schedules of the Wildlife and Countryside Act 1981 and is reviewed every five years. It is not appropriate to incorporate other species and any future additions to the list will fall within the protection of Policy NC/4.**

**Issue (ii)**

**I consider the plea in objection 595 for reference to specialist nature conservation advice is met by PC48 and further reference is unnecessary.**

**Issue (iii)**

**As consultation with English Nature on applications for planning permission is a statutory procedure where appropriate I consider it is not necessary in Policy NC/4.**

**Issue (iv)**

**While I do not agree with the thrust of objection 2571, I concur with the LPA that to emphasise communities rather than individual animals there is an inherent ambiguity in item (iii) of PC49 and I accept its proposed amendment. .**

4.3.13.1. RECOMMENDATIONS

I recommend that the Plan be modified by PC49, subject to the amendment of criterion (iii) to read:

(iii) provide adequate alternative habitats to sustain at least the current level of population.

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#### 4.3.14. Policy nc/5 & Change No 50

##### Objection

597	Somerset Wildlife Trust
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##### Objection to PC50

2572	Somerset Wildlife Trust
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##### Conditionally withdrawn objection to PC50

2085	Hon R T Lytton
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##### Supporters of PC50

2385	Environment Agency.
2156	English Nature

##### Inspector's note

**Objection 2085 was conditionally withdrawn in the inquiry.**

##### Issues

- (i) **Whether there is need for a landscape protection policy.**
- (ii) **Whether 'UK Biodiversity Action Plan' should be inserted after 'West Somerset Biodiversity Action Plan'.**

##### Inspector's reasoning and conclusions

###### Issue (i)

**PC50, with which I concur, adds a new Policy NC/5 referring to the protection of habitats and other features of the landscape identified in the West Somerset Biodiversity Action Plan. I consider it appropriately meets objection 597.**

###### Issue (ii)

**The link to the UK Biodiversity Action Plan is established in paragraph 4.6 of the Regional Planning Guidance and further reference here is unnecessary. However, in the interest of further clarification I agree with the explanatory text proposed by the LPA to accompany the new Policy NC/5.**

##### 4.3.14.1. RECOMMENDATION

I recommend that the Plan be modified by:

- (i) PC50 (Policy NC/5);
- (ii) the insertion of explanatory text following the new Policy NC/5 as follows:

Biodiversity is a term used to describe the variety of living things and the habitats and ecosystems that they form. The conservation of biodiversity was recognised as a priority at the 1992 Earth Summit. As part of its commitment to this Summit the UK government published the Biodiversity Action Plan (BAP) in 1994. This Plan recognises that biodiversity should be regarded as a key test of the sustainability of the development. A Biodiversity Plan has been produced for the South West Region.

The Somerset Environmental Record Centre has prepared a Biodiversity Action Plan for West Somerset which includes a number of Habitat Action Plans (HAPs). Each HAP focuses on an important and locally distinctive habitat to the Plan area as set out below

Lowland Heathland

Upland Oak Woodland

Purple Moor and Rush Pasture

Coastal Vegetated Shingle

Sabellaria Reef

The Habitat Action Plans are based on an evaluation of the character of each area. They are designated to complement and interpret at the district level the South West and other Somerset-based BAPs. The HAPs identify those organisations and agencies considered to be the most appropriate for delivering the actions specified.