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PLANNING

Planning Policy Statement 9: Biodiversity and Geological Conservation



Office of the
Deputy Prime Minister

Creating sustainable communities

Planning Policy Statement 9: Biodiversity and Geological Conservation

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Planning Policy Statement 9: Biodiversity and Geological Conservation

INTRODUCTION

Planning Policy Statements (PPS) set out the Government's national policies on different aspects of planning in England. PPS9 sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy. This PPS replaces *Planning Policy Guidance Note 9 (PPG9) on nature conservation* published in October 1994.

The policies set out in this PPS will need to be taken into account by regional planning bodies in the preparation of regional spatial strategies, by the Mayor of London in relation to the spatial development strategy for London, and by local planning authorities in the preparation of local development documents. They may also be material to decisions on individual planning applications.

In the context of this PPS, biodiversity is the variety of life in all its forms as discussed in the *UK Biodiversity Action Plan*.¹ Geological conservation relates to the sites that are designated for their geology and/or geomorphological importance.²

A joint Office of the Deputy Prime Minister (06/2005) and Department of Environment, Food and Rural Affairs (01/2005)³ Circular is being published to accompany this PPS. This sets out the wide range of legislative provisions at the international and national level that can impact on planning decisions affecting biodiversity and geological conservation issues. A separate guide will also be published which sets out good practice in relation to planning for biodiversity and geological conservation.

1 *Biodiversity: The UK Action Plan* published in 1994 – HMSO Cm 2428.

2 A list of designated sites included in the Geological Conservation Review is held by the Joint Nature Conservation Committee (JNCC), www.jncc.gov.uk/earthheritage

3 Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (ODPM 06/2005, Defra 01/2005) available via TSO website www.tso.co.uk/bookshop

The Government's Objectives

*Working with the grain of nature: a biodiversity strategy for England*⁴ sets out the Government's vision for conserving and enhancing biological diversity in England, together with a programme of work to achieve it. It includes the broad aim that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible.

In moving towards this vision, the Government's objectives for planning are:

- **to promote sustainable development** by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, environmental and economic development, so that policies and decisions about the development and use of land integrate biodiversity and geological diversity with other considerations.
- **to conserve, enhance and restore the diversity of England's wildlife and geology** by sustaining, and where possible improving, the quality and extent of natural habitat and geological and geomorphological sites; the natural physical processes on which they depend; and the populations of naturally occurring species which they support.
- **to contribute to rural renewal and urban renaissance by:**
 - enhancing biodiversity in green spaces and among developments so that they are used by wildlife and valued by people, recognising that healthy functional ecosystems can contribute to a better quality of life and to people's sense of well-being; and
 - ensuring that developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment.

The planning system has a significant part to play in meeting the Government's international commitments and domestic policies for habitats, species and ecosystems.

⁴ Defra, 2002, available at www.defraweb/wildlife-countryside/biodiversity/index.htm

National Planning Policies

KEY PRINCIPLES

1. Regional planning bodies and local planning authorities should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity and geological conservation are fully considered.
 - (i) Development plan policies and planning decisions should be based upon up-to-date information about the environmental characteristics of their areas. These characteristics should include the relevant biodiversity and geological resources of the area. In reviewing environmental characteristics local authorities should assess the potential to sustain and enhance those resources.
 - (ii) Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.
 - (iii) Plan policies on the form and location of development should take a strategic approach to the conservation, enhancement and restoration of biodiversity and geology, and recognise the contributions that sites, areas and features, both individually and in combination, make to conserving these resources.
 - (iv) Plan policies should promote opportunities for the incorporation of beneficial biodiversity and geological features within the design of development.
 - (v) Development proposals where the principal objective is to conserve or enhance biodiversity and geological conservation interests should be permitted.
 - (vi) The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

REGIONAL SPATIAL STRATEGIES

2. Regional planning bodies should liaise closely with regional biodiversity fora or equivalent bodies, English Nature or its successors and the Environment Agency to identify the current regional and sub-regional distribution of priority habitats and species, internationally and nationally designated areas, and broad areas for habitat restoration and re-creation. Regional planning bodies should also liaise with the British Geological Survey and, where appropriate, local Regionally Important Geological/geomorphological Sites groups on geodiversity issues. Over time the distribution of habitats and species, and geomorphological processes and features, will be affected by climate change and such change will need to be taken into account.
3. Regional spatial strategies⁵ should:
 - (i) incorporate biodiversity objectives;
 - (ii) address regional, sub-regional and cross-boundary issues in relation to habitats, species and geomorphological processes through criteria-based policies;
 - (iii) include policies to conserve and enhance biodiversity at the regional and sub-regional levels;
 - (iv) include targets for the restoration and re-creation of priority habitats and the recovery of priority species populations, linked to national goals; and
 - (v) identify suitable indicators for monitoring biodiversity.

LOCAL DEVELOPMENT FRAMEWORKS

4. Local authorities should take an integrated approach to planning for biodiversity and geodiversity when preparing local development documents. They should ensure that policies in local development documents reflect, and are consistent with, national, regional and local biodiversity priorities and objectives (including those agreed by local biodiversity partnerships).
5. Local development frameworks should:
 - (i) indicate the location of designated sites of importance for biodiversity and geodiversity, making clear distinctions between the hierarchy of international, national, regional and locally designated sites; and
 - (ii) identify any areas or sites for the restoration or creation of new priority habitats which contribute to regional targets, and support this restoration or creation through appropriate policies.

⁵ References to regional spatial strategies in this policy statement also apply to the *Spatial Development Strategy for Greater London*, also known as the 'London Plan'.

SITES OF BIODIVERSITY AND GEOLOGICAL CONSERVATION VALUE

International Sites

6. The most important sites for biodiversity are those identified through international conventions and European Directives. Local planning authorities should identify these sites on proposals maps and may need to cross-refer to the statutory protection given to these sites in the explanatory texts in local development documents. Since they enjoy statutory protection specific policies in respect of these sites should not be included in local development documents (see also Part I of ODPM/Defra Circular ODPM 06/2005, Defra 01/2005). The Habitats Regulations do not provide statutory protection for potential Special Protection Areas (pSPAs) or to candidate Special Areas of Conservation (cSACs) before they have been agreed with the European Commission. For the purposes of considering development proposals affecting them, as a matter of policy, the Government wishes pSPAs and cSACs included in a list sent to the European Commission, to be considered in the same way as if they had already been classified or designated. Listed Ramsar sites, also as a matter of policy, should receive the same protection as designated SPAs and SACs.

Sites of Special Scientific Interest (SSSIs)

7. Many SSSIs are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs not covered by an international designation, should be given a high degree of protection under the planning system (see also Part II of ODPM/Defra Circular ODPM 06/2005, Defra 01/2005) through appropriate policies in plans.
8. Where a proposed development on land within or outside a SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), planning permission should not normally be granted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs. Local authorities should use conditions and/or planning obligations to mitigate the harmful aspects of the development and where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest.

Regional and Local Sites

9. Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Sites, have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well-being of the community; and in supporting research and education. Criteria-based policies should be established in local development documents against which proposals for any development on, or affecting, such sites will be judged. These policies should be distinguished from those applied to nationally important sites.

Ancient Woodland and Other Important Natural Habitats

10. Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. Local planning authorities should identify any areas of ancient woodland in their areas that do not have statutory protection (e.g. as a SSSI). They should not grant planning permission for any development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat. Aged or 'veteran' trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Planning authorities should encourage the conservation of such trees as part of development proposals.
11. Through policies in plans, local authorities should also conserve other important natural habitat types that have been identified in the *Countryside and Rights of Way Act 2000* section 74 list, as being of principal importance for the conservation of biodiversity in England⁶ and identify opportunities to enhance and add to them.

Networks of Natural Habitats

12. Networks of natural habitats provide a valuable resource. They can link sites of biodiversity importance and provide routes or stepping stones for the migration, dispersal and genetic exchange of species in the wider environment. Local authorities should aim to maintain networks by avoiding or repairing the fragmentation and isolation of natural habitats through policies in plans. Such networks should be protected from development, and, where possible, strengthened by or integrated within it. This may be done as part of a wider strategy for the protection and extension of open space and access routes such as canals and rivers, including those within urban areas.

⁶ List of habitats and species of principal importance for the conservation of biological diversity in England published by the Secretary of State for Environment, Food and Rural Affairs, in response to Section 74 (2) of the Countryside and Rights of Way Act 2000. www.defra.gov.uk/wildlife-countryside/cl/habitats/habitats-list.pdf

Previously Developed Land

13. The re-use of previously developed land for new development makes a major contribution to sustainable development by reducing the amount of countryside and undeveloped land that needs to be used. However, where such sites have significant biodiversity or geological interest of recognised local importance, local planning authorities, together with developers, should aim to retain this interest or incorporate it into any development of the site.

Biodiversity within Developments

14. Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.

SPECIES PROTECTION

15. Many individual wildlife species receive statutory protection under a range of legislative provisions,⁷ and specific policies in respect of these species should not be included in local development documents (see also Part IV of ODPM/Defra Circular, ODPM 06/2005, Defra 01/2005).
16. Other species have been identified as requiring conservation action as species of principal importance for the conservation of biodiversity in England.⁸ Local authorities should take measures to protect the habitats of these species from further decline through policies in local development documents. Planning authorities should ensure that these species are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations. Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.

CANCELLATION OF POLICY

The following is hereby cancelled:

PPG9 “Nature Conservation” (1994)

⁷ Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. European plant and animal species are protected under the Conservation (Natural Habitats, &c) Regulations 1994. Some other animals are protected under their own legislation, for example Protection of Badgers Act 1992.

⁸ Lists of habitats and species of principal importance for the conservation of biological diversity in England published by the Secretary of State for Environment, Food and Rural Affairs, in response to Section 74 (2) of the Countryside and Rights of Way Act 2000 are available on the Defra website at www.defra.gov.uk/wildlife-countryside/cl/habitats/habitats-list.pdf

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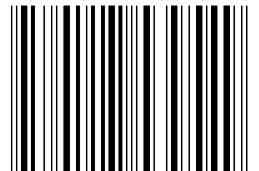
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