

Tracey Smith (CSP - Regeneration and Corporate Property)

From: Tracey Smith (CSP - Regeneration and Corporate Property)
Sent: 06 September 2017 15:37
To: Richard Pitts (CSP - Regeneration and Corporate Property)
Cc: Peter Morris (CSP - Regeneration and Corporate Property); Adrian Humpage (CSP - Regeneration and Corporate Property); Angharad Richards (CSP - Regeneration and Corporate Property)
Subject: RE: HRA Revisions to Policy DM2

Dear Richard,

The Inspector has asked me to thank you for your email and to advise the Council that she is content with the proposed revisions to Policy DM2 and agrees that it should be included as a MAC.

Kind regards,

Tracey Smith
Swyddog Rhaglen – Archwiliad CDLI Powys / Programme Officer – Powys LDP Examination

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From: Richard Pitts (CSP - Regeneration and Corporate Property)
Sent: 24 August 2017 09:48
To: Tracey Smith (CSP - Regeneration and Corporate Property)
Cc: Peter Morris (CSP - Regeneration and Corporate Property); Adrian Humpage (CSP - Regeneration and Corporate Property); Angharad Richards (CSP - Regeneration and Corporate Property)
Subject: HRA Revisions to Policy DM2

Hi Tracey,

Can we ask you to let the Inspector know that The Council's Ecologist will be recommending a change to the wording of Policy DM2 – The Natural Environment.

She contacted us to explain some reservations concerning how habitats were being treated across the different tiers of protection, so, after further discussions with her we have agreed a revision to the policy wording itself (essentially a re-organisation) which I have included in the body of this email so the inspector can see it clearly. I have also attached a version that incorporates all the MACs compared with the LDP42 version of the Policy.

As I said Rachel will be incorporating this revision into the recommendations arising from the HRA, but we wanted to give the Inspector a 'heads-up' on it beforehand. We are still waiting to hear back from WG and NRW about the changes, and once they are happy with it we will of course be obtaining portfolio holder approval before we seek the Inspector's approval for the HRA and its Recommendations. Hope this is OK.

Policy DM2 revised text;

Policy DM2 – The Natural Environment

Development proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site.

Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

1. The important site designations, habitats and species afforded the highest levels of protection through European legislation including:
 - A. European Protected Sites (SAC, SPA and Ramsar).
 - i. Development proposals likely to have a significant effect on a European site, when considered alone or in combination with other proposals or plans, will only be permitted where it can be demonstrated that:
 - a) The proposal is directly connected with or necessary for the protection, enhancement and positive management of the site for conservation purposes;
or
 - b) The proposal will not adversely affect the integrity of the site.
 - ii. Where it cannot be demonstrated that development proposals would not adversely affect the integrity of the site and there is no satisfactory alternative solution, permission will be refused unless:
 - a) There are imperative reasons of over-riding public interest; and
 - b) Appropriate compensatory measures are secured.
 - B. European Protected Species afforded strict protection by the Conservation of Habitats and Species Regulations 2010 (as amended) (Habitats Directive Annex IV Species).

Development proposals likely to have an adverse effect on a European protected species will only be permitted where it can be demonstrated that:

 - a) The proposal is for the purposes of preserving public health or public safety or there are imperative reasons of over-riding public interest; and
 - b) There is no satisfactory alternative; and
 - c) The action authorised will not be detrimental to the maintenance of the habitat or population of the species concerned at a favourable conservation status in their natural range.
2. The important site designations, habitats and species afforded levels of protection in line with national policy and legislation including:
 - A. National Nature Reserves and Sites of Special Scientific Interest;
 - B. Protected Species including those listed in the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992;

- C. Habitats and Species of principal importance for the purpose of maintaining and enhancing biodiversity conservation in Wales as listed in Section 7 of the Environment (Wales) Act 2016; and**
- D. National Biodiversity Action Plan Habitats and Species.**

Development proposals likely to have an adverse effect on the conservation value of nationally protected sites, habitats or species, either directly, indirectly or in combination, will only be permitted where it can be demonstrated that:

- i. The proposal contributes to the protection, enhancement or positive management of the site, habitat or species; or**
- ii. There is no suitable alternative to the proposed development; and**
 - a) It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site, habitat or species; and**
 - b) Appropriate compensatory measures are secured; and**
 - c) The population or range and distribution of the habitat or species will not be adversely impacted.**

3. The locally important site designations, habitats and species including:

- A. Local Nature Reserves;**
- B. Local Biodiversity Action Plan Habitats and Species;**
- C. Wildlife Trust Reserves, Road Verge Nature Reserves, Sites of Interest for Nature Conservation and Local Wildlife Sites; and**
- D. Regionally Important Geodiversity Sites and Geological Conservation Review Sites.**

Development proposals likely to have an adverse impact upon these sites, habitats or species will only be permitted where it can be demonstrated that:

- i. They conserve and where possible enhance the natural heritage importance of the site, habitat or species; or**
- ii. The development could not reasonably be located elsewhere; and**
 - a) The benefits of the development outweigh the natural heritage importance of the site, habitat or species; and**
 - b) Mitigation and/or compensation measures are provided where adverse effects are unavoidable.**

4. The achievement of the Water Framework Directive's overarching objectives.

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage.

Revised text ends. The reasoned justification for the Policy remains unchanged

Many thanks

Richard Pitts

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