

ES13.2

BLAENAU GWENT COUNTY BOROUGH COUNCIL LOCAL DEVELOPMENT PLAN EXAMINATION

SESSION13: SECURING SUSTAINABLE DEVELOPMENT

THE COUNTRYSIDE COUNCIL FOR WALES' RESPONSE TO THE INSPECTOR'S QUESTIONS (REF NO:10)

1.(i) How has the Plan translated national policies into local action and does it provide adequate policy support for protecting the borough's environmental assets?

Policy SP10 of the Deposit Plan states that national, European and international nature conservation sites will be protected in line with national planning policy. Further, paragraph 7.82 of the Plan, as amended by Focussed Change FC5.G, states that proposals which are likely to have a significant effect on international and nationally designated sites will be assessed in accordance with national planning policy. We consider that these statements in the Plan are consistent with requirements set out in paragraph 5.4.5 of *Planning Policy Wales* in relation to how the LDP should make provision for the protection of statutory nature conservation designations.

Paragraph 3.3.2 of *Technical Advice Note 5: Nature Conservation and Planning* (2009) states that local development plans should include policies that give local expression to the protection and, where possible, enhancement of species and their habitats, especially those with legal protection and those of principal importance for biodiversity conservation in Wales. Whilst we welcome the intention in Focussed Change FC5.F to amend Deposit Plan DM15 to make provision for protecting protected species, we do not consider the proposed changes adequately reflect national planning policy, which translates the hierarchy of protection that is afforded to habitats and species through European and UK legislation. As detailed in CCW's review of the Statement of Common Ground, we therefore recommend that the policy is amended by

- (i) Replacing Priority Habitats and Species in the last line of criterion 2 with 'habitats and species of principle importance for biodiversity in Wales;
- (ii) Inserting a new criterion 3 which clarifies that proposals which are likely to result in disturbance or harm to a protected species or its habitat will be assessed in accordance with national planning policy. (Chapter 5 of *Planning Policy Wales*, and Chapters 3 and 6 of *Technical Advice Note 5*).

If these changes are implemented we consider that the plan will provide adequate policy support for protecting the borough's environmental assets.

1.(ii) Would the Plan be unsound if SSSIs and LNRs were not shown on the supporting proposals map?

Paragraph 5.4.6 of *Planning Policy Wales* (Edition 4, 2011), and paragraph 2.24 of *LDP Wales* (2005) both specify the need for local and national natural heritage designations to be clearly identified on the LDP's Proposals Maps.

To identify areas which will be protected through policies SP10 and DM15 and to be consistent with national policy, SSSIs and LNRs should therefore be clearly identified on the proposals map. Failure to do so would be contrary to test of soundness C2.

2. What constraints are there on development within the county given its proximity to the Usk Bat Sites SAC and other European designated sites (Cwm Clydach Woodlands, Aberbargoed Grasslands; Sugar Loaf Woodlands)?

Subject to suitable precautionary measures being undertaken (Policies DM15, DM16 and Focussed change FC5.1 to MU.1) and appropriate consideration being given to the design of development and the provision/retention/enhancement of suitable connectivity routes through relevant Plan allocations, it is not considered that there are constraints on development within the County.

3(i). What is the likely cumulative effect of developing a range of sites for employment use (for example, MU1; EMP1.5 - Rassau Platform B; and EMP1.8 - Crown Business Park Platform A) and transport projects (for example, T6.1) on the commuting and foraging opportunities for bats?

See response to question 2 above.

Additionally, all of these proposed allocations are in close proximity to one another. This therefore emphasizes the importance of the need to consider landscaping and connectivity routes for habitats and species between the sites, particularly to reduce the risk of detrimental impacts on commuting and foraging for bats.

3(ii) Does the Plan provide sufficient policy guidance to address any significant potential impact such development might have on protected species?

Please see response to Q1(i) above regarding the amendments that are required to Policy DM15 to provide sufficient policy guidance to address how impacts on protected species will be dealt with.

9. Do Policies SP10 and DM3 provide clear guidance on how development should aspire to improve water quality and protect and enhance the county's natural environment?

Focussed changes FC5.D and FC5.E set out further clarification to Policy SP10. Subject to replacing 'the integrity of these sites' with 'the integrity of European sites' in FC5.D, to avoid confusion as to which statutory designations the Habitats Directive relate to, the focussed changes when read in conjunction with policy DM15 and its supporting text, provide guidance on how the development should protect and enhance the county's natural environment.

We have no comment on water quality.