

# Replacement Local Development Plan 2018-2033

## Topic Paper

August 2018

Topic Paper 6: Natural Environment

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## Contents

1. Introduction .....	4
2. Purpose of this Topic Paper .....	4
3. Key Changes to Legislation and Policy (since LDP adoption).....	4
3.1 National.....	4
3.2 Regional – No policy change.....	6
3.3 Local – No policy change .....	6
4. LDP Policy – Current position.....	6
5. LDP AMR findings and Review Report Conclusions.....	7
6. Updated LDP Evidence Base .....	7
7. Potential Land Use Policies and Proposals .....	8
8. Further Evidence base needed .....	8
9. Conclusion .....	9
Appendix 1 – Existing policies to be reviewed .....	10

## **1. Introduction**

The Local Development Plan (LDP) is first and foremost a land use plan that identifies site specific development opportunities in response to the needs of the community for more housing, jobs, services and facilities. It also seeks to preserve, protect and enhance where appropriate, those aspects of the built and natural environment which are important in defining the quality and sensitivity of the places we value, enjoy, move through, and live in. The ultimate aim of the LDP will be to deliver sustainable development.

The LDP is a vehicle for the Council to define its key growth and development priorities and will provide the ongoing framework of policies to guide decisions on planning applications.

## **2. Purpose of this Topic Paper**

This is one of a series of Topic Papers which have been put together to inform the production of the Conwy Replacement Local Development Plan (RLDP). Their aim is to interpret the relevant evidence and guidance in relation to the specific topic and identify the key issues that the Plan will need to address as well as possible policy approaches to be incorporated in the Plan. Each topic paper has been compiled from detailed evidence originating from LDP Background Papers (technical documents that form the evidence base for the LDP.) Topic papers are designed to cover key subject areas currently covered in the adopted LDP and summarise technical data contained within the Background Papers to make the presentation of data more accessible to readers. Topic papers establish a baseline position and identify the key issues facing the County Borough which the RLDP will need to address.

The Topic Papers are intended to provide an early opportunity for stakeholders and the public to have an input into the Plan. This topic paper covers key issues relating to the Natural Environment.

## **3. Key Changes to Legislation and Policy (since LDP adoption)**

### **3.1 National**

Planning control for the natural environment is provided in various pieces of legislation and guidance. In terms of primary legislation, the Environment (Wales) Act 2016, Planning (Wales) Act 2015, Wellbeing of Future Generations (Wales) Act, 2015 and the Town and Country Planning Act 1990. These pieces of legislation set out the legal requirements for the control of development which effects the natural environment and landscape and the framework by which control is maintained.

#### **Planning Policy Wales Draft (Edition 10, 2018)**

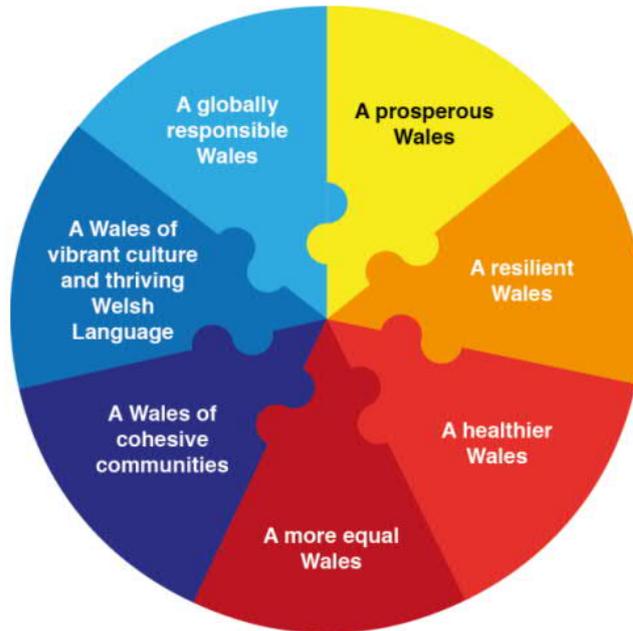
National Planning Policy can be found in Planning Policy Wales, Chapter 5. Covering the Natural and Distinctive Places theme it is supplemented by Technical Advice Notes (TANS's); procedural advice given in circulars; and policy clarification letters. National Planning Policy and Guidance is not repeated throughout the LDP, but must be taken into account in managing the development and use of land in the public interest and contributing to the achievement of sustainable development. The Natural and Distinctive Places theme of planning policy topics covers:

Landscape, historic environment, biodiversity and habitats, coastal characteristics, air quality, soundscape, water services, flooding and other environmental (surface and sub-surface) risks.

### **Wellbeing of Future Generations (Wales) Act, 2015.**

This Act places a duty on all public bodies in Wales to 'carry out sustainable development' in order to achieve the wellbeing goals of:

- A prosperous Wales
- A resilient Wales
- A healthier Wales;
- A more equal Wales;
- A Wales of cohesive communities;
- A Wales of vibrant culture and thriving Welsh Language; and
- A globally responsible Wales.



With the introduction of this Act, a statutory Public Service Board (PSB) has been established who are tasked with undertaking a well-being assessment and producing a Well-being Plan for Conwy.

### **Flood & Water Management Act 2010**

Schedule 3 of the Flood & Water Management Act requires sustainable drainage (SuDs) on all new developments serving 2 properties or more and will also require local authorities to become a Sustainable Drainage Approving Body (SAB). Schedule 3 of the Act requires surface water drainage for new developments to comply with mandatory National Standards for SuDs. It also requires surface water drainage systems to be approved by the SAB before construction work with drainage implications may begin. Provided National Standards are met, the SAB would be required to adopt and maintain the approved SuDs that service more than one property.

While the SAB approval process will be separate from that of planning it will require extensive cross-service collaboration from a pre-application stage to ensure SuDs are included as part of all development, and that they comply with the national standard. Construction on a development site will not be able to start until the developer receives SAB approval. A lack of consultation from the pre-application phase could bring construction to a halt if the surface water drainage doesn't follow the legal requirements set-out in Schedule 3.

### 3.2 Regional – No policy change

### 3.3 Local – No policy change

## 4. LDP Policy – Current position

There is much pressure on the environment and not all as a result, or in the control, of the planning system. However, the Conwy LDP has performed well in safeguarding protected areas and seeking further biodiversity enhancements than any former plan. Policy NTE/2 Green Wedge and the designation are very clear and have a historic (pre LDP) legacy of safeguarding so are well established and generally accepted. The policy has continued to strictly control development in these areas but it is expected that pressure on these areas will increase and a further review will be needed as part of the site assessment stage. Elsewhere settlement boundaries will need to be reviewed for new allocations, minor amendments and corrections.

One change which occurred post adoption of the LDP relevant to policy NTE/3 Biodiversity was the British Standards for Biodiversity: Code of Practice for Planning and Development (BS42020:2013). This was produced at the same time as Conwy produced its own SPG on Biodiversity so the two were dovetailed together and both adopted as local SPG. This document provides guidance to both decision makers and applicants as to what is expected in terms of process, data, reports etc. when applying for planning where there are potential impacts to biodiversity.

Some changes to the Local Planning Authority's (LPA's) internal procedures are being looked at to ensure that the monitoring is carried out so these targets are met. Action is needed in relation to increased involvement of LPA ecologist in relevant applications and an improvement in understanding by developers with regard to the reasons for, and the importance of, including environmental enhancements as part of most developments.

The main pressures on the landscape and protecting Special Landscape Areas (policy NTE/4) is from small scale wind turbine and solar development, static caravan site extensions and other large structures, such as poultry units. Key professional landscape assessment will be necessary in ensuring the SLAs and other important landscape features are protected.

Development in TAN15 Zone C also needs careful monitoring as there is local political support for exploring development options in these areas.

There have only been a small number of planning applications within the Coastal Zone (policy NTE/5) and some of these as a result of extant permissions. The policy is clear and works well when assessing new development within the zone.

In regards to Renewable Energy policies NTE/6 and NTE/7, these have been removed from the Natural Environment section at this stage and a new Topic Paper has been created to assess this area.

### **Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA).**

The Sustainability Appraisal Scoping Report outlines the proposed approach to the LDP's Sustainability Appraisal (SA), incorporating Strategic Environmental Assessment (SEA) to ensure that it meets social, economic and environmental objectives. The SA/SEA is an important process in identifying areas of change and mitigation measures to ensure the RLDP is sustainable.

SA objectives in relation to landscape topic areas are shown below:

<b>Feature</b>	<b>Objective</b>
Landscape	Ensure special and distinctive, semi-natural and historic landscapes are their specific features are conserved and enhanced.
Biodiversity	Maintain and enhance the diversity and abundance of indigenous species in the plan area
Water	Prevent pollution of all water bodies, including surface and groundwaters, and ensure development takes into account the need for efficient water use, development must also be located so as not to increase the risk of flooding or risk from flooding.
Air	Reduce all forms of air pollution locally and globally improve the atmosphere.

A SA/SEA process is underway and will progress in parallel with the RLDP with consultation carried out at each stage.

## **5. LDP AMR findings and Review Report Conclusions**

There is a strong emphasis on safeguarding and enhancing the character and appearance of the undeveloped coast and countryside, sites of landscape / conservation importance, features of historic or architectural interest and ensure the conservation of biodiversity and protected species. The policies used together are a tool in achieving this in resisting inappropriate development. However greater clarity and format to follow PPW advice could be adopted, especially with regards to targets, biodiversity enhancement and Green Infrastructure.

Agricultural land classification is an area that will also require greater policy coverage and guidance through the review.

## **6. Updated LDP Evidence Base**

- a. Green Wedge Assessment  
This will be revised and an assessment made based on the sites put forward through the call for sites. This assessment will be contentious and involve previously safeguard land but due to constraints seen in other areas some Green Wedge land may need to be released.
- b. Settlement Hierarchy and Settlement Boundary Assessment  
This will be updated to take account of minor changes and for proposed allocations. Some greenfield sites will undoubtedly be needed however they will have to go through the full process of assessment.
- c. Special Landscape Areas  
These will be need to be assessed and some revision to accommodate urban extension may be necessary but in the main they will be defended to protect the most valuable landscapes in the plan area.
- d. SA/SEA  
The SEA seeks the views of the SEA Consultation Bodies on the proposed methodology and assessment framework for a legally compliant SA of the Conwy LDP Review. The report also seeks the views of the SEA Consultation Authorities on a draft SEA screening determination to satisfy procedural requirements and to confirm that a SEA needs to be incorporated within the SA. The SA/SEA process is ongoing and runs in parallel with the preparation of the RLDP.

- e. Habitats Regulations Assessment  
This report will need to be revised to assess impact habitats of European importance and will form a Background Paper to the LDP.
- f. Joint Flood Risk Protocol  
This document forms a joint protocol to the approach to development in the coastal East area of the county which is subject to flood risk. It will be revised as part of the RLDP to explore the potential for development within the area affected.
- g. Local Biodiversity Action Plan  
This is monitored independently but includes targets which the LDP helps to meet. Ongoing AMR identifies progress.
- h. LDP AMR and Review  
This has been carried out four times since the LDP was adopted and recommendations from which, assessed against PIs will be carried forward through the RLDP.

## 7. Potential Land Use Policies and Proposals

There are no concerns over the implementation of the strategic objectives. As stated above, Renewable Energy is now dealt with in a separate Topic Paper with minor amendments planned.

There is a strong emphasis on safeguarding and enhancing the character and appearance of the undeveloped coast and countryside, sites of landscape / conservation importance, features of historic or architectural interest and ensure the conservation of biodiversity and protected species. The policies used together are a tool in achieving this in resisting inappropriate development.

Agricultural land classification is an area that will also require greater policy coverage and guidance through the review process.

## 8. Further Evidence base needed

Whilst none of the proposed changes go to the heart of the plan or strategy the issues are mainly related to policy clarity and the need for further coverage to ensure other plans and strategies are adequately linked.

A Green infrastructure policy and procedure needs introducing to the RLDP to follow on from guidance in PPW. This will have wider benefits and links to other plans and strategies relating to the landscape and active travel.

Alignment with PPW Draft Edition 10: Distinctive and Natural Places guidance to provide clarity over links with other related Plans & Strategies.

### Key issues and problems

	Key issues and problems	source
1.	Capacity and need to review Green Wedges. This will no doubt be contentious however the increasing need for land to develop for housing and employment requires the LPA to assess all	Green wedge review

	developable land suggested and this is likely to include land currently within Green Wedges.	
2.	For clarity, the renewable energy section has been separated from the Natural Environment and included as a separate Topic Paper.	AMR
3.	SAB update to policy	Implementation of schedule 3 of the Act.
4.	Use of conditions and monitoring through the planning process to achieve biodiversity and Green Infrastructure targets.	AMR
5.	A Green infrastructure policy and procedure needs introducing to the RLDP to follow on from guidance in PPW.	PPW
6.	Restructure to follow guidance found in PPW Distinctive and Natural Places for clarity. This will include new sections on soundscape and greater clarity on air quality.	PPW
7.	For clarity links to the Wellbeing of Future Generations Act to be improved through this section of the plan.	Wellbeing of Future Generations Act 2015.

## 9. Conclusion

The Topic Paper raises the key issues covered and the areas that require change in the review of the LDP. In the case of Distinctive and Natural Places, this will include recommendations around the landscape and biodiversity enhancement and protection whilst incorporating new guidance on Green Infrastructure and sustainable drainage. This will entail working in line with the SA/SEA, HRA and balanced need for sustainable growth and distribution of housing and employment sites, along with details of policies that require review due to changes in European/national/local context.

## Appendix 1 – Existing policies to be reviewed

### STRATEGIC POLICY NTE/1 – THE NATURAL ENVIRONMENT

In seeking to support the wider economic and social needs of the Plan Area, the Council will seek to regulate development so as to conserve and, where possible, enhance the Plan Area's natural environment, countryside and coastline. This will be achieved by:

- a) Safeguarding the Plan Area's biodiversity, geology, habitats, history and landscapes through the protection and enhancement of sites of international, national, regional and local importance, in line with Policy DP/6 – National Planning Policy and Guidance';
- b) Using Green Wedges and settlement boundaries to control the identity of individual settlements, to prevent coalescence and to protect the immediate landscape surrounding urban areas in line with Policy NTE/2 – 'Green Wedges and Meeting the Development Needs of the Community';
- c) Where appropriate and necessary, improving the quality of statutory and non-statutory landscapes and areas of biodiversity value affected by development, through management agreements, habitat connectivity, improved planting, landscape and maintenance specifications, in line with the Development Principle Policies and Policy NTE/3 – 'Biodiversity';
- d) Working with developers to safeguard protected species and enhance their habitats in line with Policies DP/6 and NTE/3;
- e) Seeking to minimise the loss of Grade 2 and 3a agricultural land to new development, in particular, in the east of the Urban Development Strategy Area, in line with Policy DP/6;
- f) Respecting, retaining or enhancing the local character and distinctiveness of the individual Special Landscape Areas in line with Policy NTE/4 – 'The Landscape and Protecting Special Landscape Areas' and as shown on the Proposals Map;
- g) Protecting the Coastal Zone in line with Policy NTE/5 – 'The Coastal Zone';
- h) Promoting energy efficiency and renewable technologies in development in line with Policy NTE/6 – 'Energy Efficiency and Renewable Technologies in New Development';
- i) Preventing, reducing or remedying all forms of pollution including air, light, noise, soil and water, in line with Policy DP/6.

### POLICY NTE/2 – GREEN WEDGES AND MEETING THE DEVELOPMENT NEEDS OF THE COMMUNITY

To prevent coalescence of the settlements and retain the open character of the area, the following Green Wedges are designated as shown on the proposals map:

- a) Green Wedge 1 between Dwygyfylchi and Penmaenmawr

- b) Green Wedge 2 between Deganwy, Llandudno and Llanrhos
- c) Green Wedge 3 between Llandudno and Craigside
- d) Green Wedge 4 between Penrhyn Bay and Rhos on Sea
- e) Green Wedge 5 between Mochdre and Colwyn Bay
- f) Green Wedge 6 between Llandudno Junction and Mochdre
- g) Green Wedge 7 between Bryn y Maen and Colwyn Bay
- h) Green Wedge 8 between Llanellian and Colwyn Bay
- i) Green Wedge 9 between Coed Coch Road and Peulwys Lane
- j) Green Wedge 10 between Old Colwyn and Llysfaen
- k) Green Wedge 11 between Rhyd y Foel, Llanddulas and Abergele
- l) Green Wedge 12 between Towyn and Belgrano

### **POLICY NTE/3 – BIODIVERSITY**

1. New development should aim to conserve and, where possible, enhance biodiversity through:
  - a) Sensitive siting; avoiding European protected sites or those of national or local importance;
  - b) Sensitive layout and design which avoids impacts or mitigates through an agreed programme for any identified adverse impact on biodiversity;
  - c) Creating, enhancing and managing wildlife habitats and natural landscapes including connectivity;
  - d) Integrating biodiversity measures into the built environment;
  - e) Contributing to achieving targets in the Conwy Local Biodiversity Action Plan (LBAP);
  - f) Providing for a management agreement with the Local Planning Authority to secure the retention and long term future of biodiversity interests where applicable.
  
2. All proposals should include a Biodiversity Statement detailing the extent of impact on biodiversity.
  
3. The Council will refuse proposals which would have a negative impact on a European Site, protected or priority species or habitat unless the impact is adequately mitigated and appropriate remediation and enhancement measures are proposed and secured by planning conditions or obligations.

#### **POLICY NTE/4 – THE LANDSCAPE AND PROTECTING SPECIAL LANDSCAPE AREAS**

1. Special Landscape Areas are shown on the proposal map and designated in the following locations:
  - a) Great Orme and Creuddyn Peninsula
  - b) Conwy Valley
  - c) Abergele hinterland
  - d) Elwy and Aled Valleys
  - e) Hiraethog
  - f) Cerrigydrudion and the A5 corridor
2. In order to conserve the attributes of the Special Landscape Areas development proposals will have to show particular regard to the character of each locality in order to minimise their impact. Development will only be permitted if it is shown to be capable of being satisfactorily integrated into the landscape. In appropriate cases planning applications should be accompanied by a Landscape and Visual Impact Assessment to assess the visual and landscape impacts of the development.
3. All proposals, both within and outside SLAs, will be considered against the Development Principles and other policies in the Plan designed to protect the environment and landscape character.

#### **POLICY NTE/5 – THE COASTAL ZONE**

A Coastal Zone is defined on the Proposals Map. Development in the Coastal Zone, outside settlement boundaries, will only be permitted where the development:

- a) Specifically requires a coastal location;
- b) Does not adversely affect the open character of the zone;
- c) Does not adversely affect the nature conservation value of the zone with any effects identified mitigated for;
- d) Does not detract from the tourism value or facilities;
- e) Does not interfere with natural coastal processes;
- f) Does not impede the function of any existing coastal defence structures;
- g) Accords with the Development Principles of the Plan.

#### **POLICY NTE/8 – SUSTAINABLE DRAINAGE SYSTEMS**

1. The use of Sustainable Drainage Systems will be required wherever reasonably practicable with preference for on site disposal and where satisfactory arrangements can be put in place for the long term maintenance of those systems. Where this is not proposed a developer will need to justify that discharge is necessary and is adequately controlled.

2. Subsequent preference for surface water drainage will be for:
  - a) Drainage to a surface water body (river, lake etc.) subject to appropriate treatment and attenuation;
  - b) Drainage to surface water sewer;
  - c) Drainage to combined sewer.
3. The developer must demonstrate that higher preference drainage options are unfeasible before proposing less sustainable options.

#### **POLICY NTE/9 – FOUL DRAINAGE**

1. Foul drainage to an adopted sewer should be provided wherever possible, in compliance with Welsh Ministers Build Standards which are effective from 1 October 2012. The development of sites where drainage to a public sewer is not feasible will only be permitted if proposed alternative facilities are considered adequate and would not pose an unacceptable risk to the quality or quantity of ground or surface water or pollution of local watercourses or sites of biodiversity importance.
2. Development proposals which include vehicle parking and other hard surface areas used by vehicles must include measures such as trapped gullies and petrol / oil interceptors or other suitable methods of pollution control to safeguard against pollution of the water environment.

#### **POLICY NTE/10 – WATER CONSERVATION**

All development should incorporate water conservation measures where practicable and conform to BREEAM standards promoting water conservation, efficiency measures and utilize SUDS techniques. Development proposals greater than 1,000 m<sup>2</sup> or 10 dwellings should be accompanied by a Water Conservation Strategy.