

# ENVIRONMENTAL PROTECTION

## Chapter 3

### COUNTRYSIDE ENVIRONMENT

The South Somerset Local Plan (SSLP) was adopted on 27 April 2006 and “saved” until 26 April 2009 pending the preparation of replacement Local Development Framework (LDF) documents.

The Government Office for the South West have agreed to extend most Policies and Proposals beyond the 3 year saved period”.

**Policies** that have not been extended are struck through in the text. For ease of reference these are:

Chapter 6: Utilities	Policy EU1	Renewable Energy
	Policy EU2	Wind Turbines
	Policy EU5	Flooding
Chapter 10: Housing	Policy HG5	Replacement Dwellings in the Countryside
	Policy HG13	Sites for Travelling Show People
	Policy HG14	Sites for Travelling Show People

A number of **Proposals** have also not been extended as they have already been implemented or have Planning Permission and are under construction. These are:

Chapter 12: Area East	Proposal ME/CACA/3(ii)	Torbay Road, Castle Cary
Chapter 13: Area North	Proposal HG/SOME/4	The Mill House, Sutton Road, Somerton
	Proposal HG/SOPE/2	Land at Lightgate Lane, South Petherton
	Proposal TP/SOME/5	Widening of Cartway Lane, Somerton
	Proposal TP/SOME/6	Pedestrian Priority in West Street, Somerton
Chapter 14: Area South	Proposal CR/FIVE/1	Land at existing playing field, Fivehead
	Proposal HG/YEOV/2	Former Factory site, west of Larkhill Road, Yeovil
	Proposal HG/YEOV/3	Former Jewsons Yard, Newton Road, Yeovil
	Proposal ME/YEOV/6	Land east of Buckland Road, Pen Mill, Yeovil
Chapter 15: Area West	Proposal CR/BRYM/3	Land at Abbey Farm, Yeovil
	Proposal HG/CHAR/2	Land off Lower Touches, Chard
	Proposal HG/ILMI/1	Land north of Summervale Medical Centre, Wharf Lane, Ilminster
	Proposal MU/ILMI/2	Land off Shudrick Lane, Ilminster



## CHAPTER 3: COUNTRYSIDE ENVIRONMENT

### INTRODUCTION

3.1 South Somerset is a large rural District. It has a range of settlements but the countryside dominates with its rich and varied landscape and wildlife habitat. The countryside is a valuable resource providing employment and opportunities for recreation, education and tourism. It is national policy to safeguard the countryside for its own sake with development being strictly controlled. Structure Plan Policy STR6 reflects this advice. The countryside is, however, a changing environment, and the landscape has evolved and will continue to evolve in response to changing social and economic demands.

3.2 A central function of the Local Plan is to address the conflicts likely to result from continuing development pressure in order to meet the future needs of the District. The District Council will seek to ensure that such development is achieved within a framework of sustainable development which recognises the importance of the countryside and ensures that it is protected and, where appropriate, restored or enhanced so that the benefits may be enjoyed and passed on to future generations. To achieve this objective the strategy of the Local Plan is to:

- direct most new development to the Towns and Rural Centres;
- strictly control development in the countryside; and
- protect the District's natural resources.

This approach does still recognise and allow for the needs of farming and forestry in particular, and other uses such as recreation, which would not prejudice the quality and character of the countryside.

3.3 Effective development control requires the identification of the sites and areas where there will be strict control to prevent damaging development. The Local Plan provides the necessary identifications. Planning authorities have an important role, not only in preventing damage to sensitive sites through

development control, but also by more positive proposals and strategies for the enhancement and conservation of the countryside. The District Council has already carried out a Landscape Assessment of South Somerset, identifying the range of landscapes within the District, and those elements which create local distinctiveness.

3.4 Chapter 2 of the Plan includes a statement of Guiding Principles for this Local Plan and these aims are translated into more specific objectives for the development of detailed policies and proposals.

### LOCAL PLAN OBJECTIVES

3.5 The Local Plan will seek to achieve the following objectives through the co-ordinated implementation of its various provisions:

1. To identify and protect landscapes of national and local importance and encourage the establishment of appropriate methods for their management;
2. To protect the character and diversity of the landscape of South Somerset as identified in the Landscape Assessment, and preserve the valuable characteristics and features that make one part of the District different from another;
3. To create opportunities to enhance the landscape in areas where valued character has been lost;
4. To maintain and enhance the extent, quality and diversity of the District's heritage of wild flora and fauna, their habitats and geological and physical features;
5. To ensure that all forms of new development and land use are sited and designed having full regard to the environment and communities of the Plan's rural areas.

Protecting the Best Agricultural Land

- 3.6 National policy is not to develop agricultural land unless opportunities have been assessed for the development to be accommodated on previously-developed sites and on land within existing urban areas. The Local Plan's strategy and distribution of development (Chapter 2) reflects this guidance. Where development on agricultural land is unavoidable, Policy EC1 below will ensure that priority will be given to the use of poorer quality land in preference to higher quality land, except where other sustainability considerations outweigh the agricultural land value. Sustainability considerations can encompass a wide and diverse range of matters and it is not possible to be definitive. However, PPS7 advises that sustainability considerations '*...might include, for example, its importance for biodiversity, the quality and character of the landscape, its amenity value or heritage interest, accessibility to infrastructure, workforce and markets, maintaining viable communities and the protection of natural resources, including soil quality, when determining planning applications. Some of these qualities may be recognised by a statutory wildlife, landscape, historic or archaeological designation, such as a National Park or Site of Scientific Interest.*'
- 3.7 Before allowing development where soil or agricultural land quality is a consideration, the Council will seek advice from the Department of Environment, Food and Rural Affairs (DEFRA) and other relevant bodies such as English Nature, the Countryside Agency, the Environment Agency or English Heritage as appropriate. Decisions on individual proposals will be made having carefully considered the relative merits of the relevant considerations in the light of advice received.

Protecting the Best and Most Versatile Agricultural Land

**Policy EC1**

Where development of agricultural land is unavoidable, poorer quality land should be used in preference to that of higher quality (defined as grades 1, 2 and 3a of the agricultural land classification), except

where other sustainability considerations outweigh the agricultural land value.

Areas of Outstanding Natural Beauty

- 3.8 Areas of Outstanding Natural Beauty (AONB) are designated by The Countryside Agency and the primary objective of such designation is 'conservation of the natural beauty of the landscape'. It is formal recognition that the natural beauty of the area is of national importance and worthy of protection. Government advice is that 'in general, policies and development control decisions affecting AONBs should favour conservation of the natural beauty of the landscape'.
- 3.9 In South Somerset District there are parts of the Blackdown Hills AONB and the Cranborne Chase and West Wiltshire AONB. The District Council works closely with the Countryside Agency and other relevant local authorities to administer these areas.
- 3.10 In recognition of the national importance of the AONB landscapes, the District Council will have special regard to the conservation of their natural beauty when making development control decisions. Policy EC2, therefore, strictly controls development and ensures that all development respects the special landscape of the AONB. Any development affecting the AONB will not be permitted unless the standards of design and landscape proposals are particularly high.
- 3.11 In all cases the environmental effects of new proposals will be a major consideration but it will also be appropriate to have regard to the social and economic well-being of the area. Proposals for major developments should be subject to the most rigorous examination through the tests set out in Policy EC2. At a smaller scale, sustainable forms of social and economic development which, in themselves, conserve or enhance the environment can be promoted. AONBs should be used to meet the demand for recreation so far as that is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.

## Policy EC2

When considering development proposals in AONBs the conservation of the natural beauty of the landscape will be favoured. Development proposals which would cause unacceptable harm to the natural beauty of AONB's will not be permitted. Within AONB's, proposals for major developments will not be permitted unless demonstrated to be in the public interest and their assessment should normally include assessment of:

- need for the development, in terms of national considerations and impact on the local economy;
- cost of and scope for developing elsewhere or meeting the need in some other way;
- the detrimental effect on the landscape and environment and the extent to which these effects should be moderated.

3.12 Preparation of a Local Plan is also the opportunity to put forward more specifically what other measures the District Council is promoting to implement the objectives of designation. They are referred to here as *Statements of Intent*:-

- *The District Council will carry out tree planting, eyesore removal and other environmental improvements to help preserve the landscape and nature conservation importance of the Areas of Outstanding Natural Beauty.*
- *The District Council will seek to maintain and improve existing small scale tourist facilities and provide new ones, where these can be satisfactorily accommodated in the landscape and do not create undue visitor pressure.*
- *South Somerset District Council supports the setting up of Joint Advisory Committees to pursue ways of jointly preserving the outstanding natural beauty of the areas.*
- *The District Council will consider management agreements and the provision of financial assistance to*

*support the maintenance of the landscape and wildlife of the AONB.*

Landscape Character

3.13 The landscape of the Plan area is valued locally as being of high quality and deserving special efforts to conserve its character. Much of it has, therefore, been previously designated as Special Landscape Areas (SLAs) with Special Landscape Features (SLFs) identifying individual landscape features. However, SLAs in particular reflect somewhat dated attitudes which have generally valued upland landscapes above all others. For instance, the value and importance of the Somerset Levels and Moors is not recognised in such an approach. As a basis for development control this approach has now been superseded and the countryside should now be protected in its own right. Government policy, as set out in PPS7 states that the countryside should be safeguarded for its own sake and that local countryside designations should only be used where 'it can be clearly shown that criteria-based planning policies cannot provide the necessary protection'. The priority now is to find new ways of enriching the quality of the whole countryside whilst accommodating appropriate development.

3.14 The Joint Structure Plan Review reflects this 'whole countryside' approach and Policy 5 states that the distinctive character of Somerset's countryside should be safeguarded for its own sake, and there shall be particular regard to the distinctive features of the countryside, in both landscape and nature conservation terms, in the provision of development. The District Council supports this approach and is looking at how best to accommodate change in the countryside without sacrificing local distinctiveness. Successful new development in the countryside is not just about the proposal in isolation but also and more importantly how it will relate to and impact on its immediate and wider landscape setting. Understanding the landscape will enable informed decisions to be made about accommodating change and development within the countryside, without detriment to the characteristic qualities of the landscape.

3.15 The essence of landscape assessment is the evaluation, firstly of the way that the distinctive features of the landscape create countryside character of such variety, and secondly of what gives each landscape type its unique sense of place and local distinctiveness. It is a recognition and understanding of how specific landscape features combine to compose the individual landscape areas. To identify and understand the landscapes of the area, the District Council prepared 'The Landscape of South Somerset' (October 1993), which divides the District's countryside into the following seven landscape regions, each with its own distinct qualities:

1. Fivehead and High Ham Escarpments, Valleys and Moors

Forming the northern 'rim' of the District, these distinctive geological formations consist of dramatic wooded scarps contrasting vividly with the flat pasture moors to the north. This combination of woodland and wetland is particularly noted for its ecological value.

2. Blackdown Hills Plateau, Escarpment Foothills and Valleys

This area now designated as an Area of Outstanding Natural Beauty (AONB) forms a distinctive outcrop of harder rocks in the extreme western part of the District. The visual quality is particularly high and quite varied. There are open arable fields on the plateau top contrasting with steep slopes and heavily wooded intimate valleys. The area has great archaeological and historic interest and is an oasis for wildlife.

3. Windwhistle Ridge, Foothills and Valleys

This is a block of upland lying between Chard and Crewkerne north of the River Axe forming escarpments, gentle slopes and picturesque coombes of woodland and small pastures, particularly at Cricket St. Thomas and west of Crewkerne.

4. Ham Hill Plateau, Yeovil Sands Escarpments and Valleys

This is the least homogeneous of the visual character zones with very complex geology and some distinctive landforms. These include the ridges of Hinton St George and the Ham Hill plateau. This area is the subject of considerable development pressures being close to Yeovil. In places the scenic quality is very high and there are a number of ancient monuments and sites of ecological value.

5. Ridges and Vales South and West of Yeovil

This is a succession of east - west clay vales separated by low rolling ridges formed from the Forest Marble limestone. In character it is true limestone country reflected in its flora and in the many fine thatched cottages in the region. The countryside becomes particularly wooded and wild in the frontier zone abutting Dorset.

6. Escarpments, Ridges and Vales East of Yeovil

East of the River Yeo there is a distinctive series of north-south landforms resulting from a succession of hard and soft rocks. These rocks are part of a much larger feature, which extends as far as the Cotswolds. The highest scarp at Penselwood forms the eastern 'book-end' to the District matching the Blackdowns in the west, and forming part of the West Wiltshire and Cranborne Chase Area of Outstanding Natural Beauty. Again, ecological and archaeological sites abound.

7. Central Plain, Moors and River Basins

The five hill areas described above enclose a great inland basin formed by the rivers Brue, Isle, Parrett, Yeo and Cary, which flow across this flat expanse and deposit alluvium washed down from the hills. The scenery is surprisingly varied with many subtleties dictated by land-cover e.g. orchards, arable crops,

pasture and woodlands. The main semi-natural features are the open wooded river corridors, remnant ancient woodland and ancient hedgerows.

- 3.16 The District Council believes that new development should maintain or enhance the character and quality of the countryside and it is necessary now to build on, and carry forward, the work of the 'Landscape Assessment' to provide the fine grain detail necessary for the guidance of development. This is being done using the Countryside Character approach, a local application of the Countryside Commission initiative. When considering proposals, the District Council will give particular attention to the impact of its size and siting upon its context, and how well it will relate to the features and pattern of the wider landscape.

#### Policy EC3

Outside development areas, development proposals which are otherwise acceptable will be permitted provided that they do not cause unacceptable harm to the distinctive character and quality of the local landscape. In particular, development should:

1. Respect or enhance the characteristic pattern and features of the surrounding landscape; and,
2. Avoid built forms whose visual profiles would be out-of-keeping with and uncharacteristic of the surrounding landscape when viewed from publicly accessible vantage points.

#### Protected Trees/Protection of Trees

- 3.17 Trees are an essential part of the landscape, both rural and urban. The District Council places special value on trees in conservation areas, ancient semi-natural woodlands and parklands. Where it is in the interests of amenity for trees or woodlands to be preserved, the District Council has powers to make tree preservation orders, which mean that permission is needed to fell or prune the tree or trees. Tree preservation orders can cover individual trees, groups of trees or woodlands. In choosing which trees to make

subject to a tree preservation order, the District Council takes into account the contribution which the tree, or groups of trees, make to the character of the landscape or townscape and the degree of threat which there appears to be to the tree. The following *Statement of Intent* sets out the District Council's approach regarding the making of Tree Preservation Orders.

- *The District Council will make Tree Preservation Orders on individual trees and groups of trees or woodlands of special amenity value where they are known to be under threat. In the interests of landscape and wildlife conservation, the District Council shall encourage landowners to better manage their trees and woodlands by offering advice and through use of management agreements and grant aid packages or by referring them to the Forestry Commission where appropriate.*

- 3.18 The District Council will not permit the felling of, or works to, a protected tree unless it is necessary for nature conservation or management purposes or the continued health and amenity of the tree(s) or justified by an overriding need which outweighs the amenity value of the tree. Where consent is granted, it will be on condition that another tree of a suitable species is planted nearby.
- 3.19 If anyone wishes to fell or prune a tree in a conservation area, six weeks notice in writing must be given so that the District Council can decide whether to put a tree preservation order on the tree.

#### Hedgerow Protection

- 3.20 New rules on hedgerow protection came into force in June 1997 (The Hedgerows Regulations 1997), the aim of which is to protect important hedgerows in the countryside by controlling their removal through a system of notification. The system applies to most countryside hedgerows in England and Wales and, in general, affects hedgerows which are 20 metres or more long, or which meet another hedgerow at each end. Garden hedges are not affected.

3.21 The system is concerned with the removal of these hedgerows, either in whole or in part, and anyone wanting to do so must first notify the District Council setting out their reasons. The District Council has 6 weeks in which to give or refuse consent to the notified work. The presumption is in favour of protecting and retaining important hedgerows. The Regulations set out criteria for determining which hedgerows are important.

3.22 The way in which the Regulations apply to individual hedgerows is complex. It is advisable, therefore, to discuss proposals informally with the District Council's Conservation Unit at an early stage before formally seeking permission.

#### Tree Retention and Planting

3.23 Over the past twenty-five years or so, there has been a significant reduction in tree cover in many parts of the Plan area, due largely to Dutch Elm Disease, modern farming and industrial practices and the absence of planting to compensate for these losses. The loss of so many native trees means that those remaining are now more important in the landscape and of value to wildlife, and should, where appropriate, be retained and protected.

3.24 To prevent the further deterioration of the traditional appearance of the countryside, the planting of native trees is encouraged and emphasis will be given to the retention and management of existing trees and woodland that contribute most to the area's character and appearance. The District Council offers advice on the main sources of grant aid for new tree planting, and can identify many opportunities for tree planting, particularly on roadside verges (in conjunction with County Council as Highway Authority). However, some verges and other sites which may otherwise be suitable for tree planting are important grassland/wildflower habitats. Care must, therefore, be taken in the selection of appropriate sites and the species of trees. The same concerns about selection of sites and species also apply in urban areas. The District Council has a programme of tree planting and other environmental improvements based on an ongoing landscape appraisal and requests received

from Parish Councils and the public. New woodlands are also planted by private owners under the Forestry Commissions' Woodland Grant Scheme. The Council will monitor the Forestry Commissions' public register for these applications, and make comments to the FC as appropriate, within the designated time-scale.

3.25 The District Council's objectives regarding tree retention and tree planting are included in the Local Plan as *Statements of Intent*.

- *The District Council will encourage the retention of trees, woodland, parkland features and hedgerows by new tree and shrub planting and appropriate management initiatives. There will be a presumption in favour of retaining and planting native broadleaf trees and shrubs.*
- *The District Council will carry out tree and shrub planting in association with landowners on suitable sites throughout the Local Plan area.*

#### Landscape Improvements

3.26 Parts of South Somerset District have suffered badly from the loss of tree and hedgerow cover, ponds and wetlands, and permanent pasture, due to modern agricultural and industrial practices and the absence of landscape improvements to compensate for these changes. In areas where valued landscape character has been lost, the District Council will implement and promote programmes of landscape restoration or enhancement including:-

- increasing tree and hedgerow cover through appropriate planting and the encouragement of natural regeneration;
- positive and creative approaches to the future use of abandoned sites to create new landscape features, wildlife habitats and areas for sport and recreation; and
- the creation of access opportunities through agreement and as an adjunct to any new developments that may be permitted.

Environmentally Sensitive Areas

- 3.27 The objectives of protecting the traditional character of parts of the countryside are being achieved by the designation of the Somerset Levels and Moors and the Blackdown Hills Environmentally Sensitive Areas (ESA's). The principal of the ESA scheme is that farmers receive acreage payments for farming in traditional ways which conserve and enhance the special landscape and wildlife qualities of the area. Although ESA's are not a planning designation, the aims and objectives of the scheme are consistent with the countryside protection policies of this Local Plan, particularly landscape character (Policy EC3) and the safeguarding of designated wildlife sites (Policies EC4 to EC6). The Blackdown Hills are also a designated Area of Outstanding Natural Beauty (Policy EC2). The ESA scheme is now closed to new applicants and has been superseded by The Environmental Stewardship Scheme.

Environmental Management/Improvement

- 3.28 There are a number of objectives or actions, relating to environmental management or improvement, which the District Council will carry out or seek to promote. These are, however, not land use matters and are, therefore, included as *Statements of Intent*.
- *The District Council will actively promote the designation of Local Nature Reserves where justified.*
  - *The District Council will identify and implement proposals to protect, enhance and create wildlife habitats to help preserve and improve the biological diversity of the District.*
- 3.29 The District Council will prepare management plans in respect of sites of landscape, wildlife or geological importance and, where appropriate, support the implementation of such plans with agreements under relevant legislation such as Section 39 of the Wildlife and Countryside Act 1981.

Nature Conservation

- 3.30 PPS9 (Biodiversity and Geological Conservation) sets out the Government's objectives for nature conservation and how it should be taken into account by the planning system. It recognises that nature conservation can be a significant material consideration in planning decisions and that designated sites should be protected, taking into account their relative significance as international, national or locally important sites. Government advice is that statutorily designated sites, '*are protected from damage and destruction, with their important scientific features conserved by appropriate management*'. The records of wildlife sites are updated as new information becomes available and any new sites will be subject to the appropriate policy. Table 3.1 illustrates the hierarchy of designated sites as they relate to South Somerset District.

Internationally Important Sites

- 3.31 International protection is afforded to the most important nature conservation sites through European legislation. Ramsar Sites are listed under the Ramsar Convention as wetlands of international importance, particularly as waterfowl habitats. Special Protection Areas (SPAs) are designated under the EC Council's Birds Directive for their internationally important populations of rare breeding or migratory birds. It is envisaged in the Habitats Directive that SPAs, with Special Areas of Conservation (SACs) will form a European Union-wide network of sites, known as 'Natura 2000', which will have a key role to play in maintaining Europe's biodiversity. In its report 'Sustainable Development: The UK Strategy' the Government supports this international approach and states that 'damage or deterioration to Natura 2000 sites is only permitted, if there is no alternative, for reasons of overriding public interest.' South Somerset District includes parts of the classified Somerset Levels and Moors SPA and Ramsar Site as shown on Proposals Inset Map N.O1.

Table 3.1 - Hierarchy of Nature Conservation Designations

SITE DESIGNATION	EXPLANATION
<b><u>International</u></b>	
Ramsar	<ul style="list-style-type: none"> <li>• Important for wetland wildlife, particularly waterfowl habitats.</li> <li>• Listed under the Ramsar Convention on Wetlands of International Importance.</li> <li>• South Somerset includes parts of the Somerset Levels and Moors Ramsar site.</li> <li>• Also designated as SSSIs.</li> </ul>
Special Protection Area (SPA) and potential Special Protection Areas (pSPA's)	<ul style="list-style-type: none"> <li>• Important for their populations of rare breeding, overwintering or migratory birds.</li> <li>• Classified under the EC Directive on the Conservation of Wild Birds.</li> <li>• South Somerset includes part of the Somerset Levels and Moors SPA.</li> <li>• Also designated as SSSIs.</li> </ul>
Special Areas of Conservation (SACs) and Candidate Special Areas of Conservation (cSAC's)	<ul style="list-style-type: none"> <li>• Natural habitat sites, designated to conserve habitats which are rare or threatened within the EU.</li> <li>• Designated under the EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora.</li> <li>• None in South Somerset.</li> <li>• Also designated as SSSIs.</li> </ul>
<b><u>National</u></b>	
National Nature Reserve (NNR)	<ul style="list-style-type: none"> <li>• Areas of national, and sometimes international importance, primarily used for nature conservation.</li> <li>• Declared under S.19 of the National Parks and Access to the Countryside Act 1949 or S.35 of the Wildlife and Countryside Act 1981.</li> <li>• Several sites in South Somerset, including Somerset Levels and Moors, Hardington Moor and Barrington Hill.</li> <li>• Also designated as SSSIs.</li> </ul>
Sites of Special Scientific Interest (SSSIs)	<ul style="list-style-type: none"> <li>• Identified by English Nature. Important for their flora and fauna, geological or landform features.</li> <li>• Biological SSSIs collectively form a national series of sites.</li> <li>• SSSIs identified under the Nature Conservation Review (NCR) and the Geological Conservation Review (GCR) criteria are key sites of national importance.</li> <li>• Notified under S.28 of the Wildlife and Countryside Act 1981.</li> <li>• Many sites across the District.</li> </ul>
<b><u>Local</u></b>	
County Wildlife/ Geological Sites (CWS/CGS)	<ul style="list-style-type: none"> <li>• Identified by Somerset Environment Records Centre as sites of substantive nature conservation value in a county context.</li> <li>• Over 500 sites across the District.</li> </ul>
Local Nature Reserves (LNR)	<ul style="list-style-type: none"> <li>• Of local importance for nature conservation.</li> <li>• Designated by local authorities under S.21 of the National Parks and Access to the Countryside Act 1949.</li> </ul> <p>Several sites in South Somerset, including Bincombe Beeches, Chard Reservoir, Eastfield, High Ham and Moldrums Ground, Pen Selwood.</p>
Non-Statutory Nature Reserves	<ul style="list-style-type: none"> <li>• Established and managed by a variety of public and private bodies, e.g. Somerset Wildlife Trust, RSPB and occasionally individuals.</li> <li>• The conservation value of these areas is usually recognised with other national and local designations.</li> </ul>

3.32 The Government's international obligations have been put into effect by national legislation, (notably the Habitat Regulations - see ODPM Circular 06/2005), which restricts the granting of planning permission for developments which are likely significantly to affect SPAs and SACs (Natura 2000 sites – see paragraph 3.33 above). Proposed developments not directly connected with, or necessary to site management, which are likely to have a significant effect, individually or in combination with others, on such sites, should be assessed according to their implications for, the site's conservation objectives. The development may go ahead if, as a result of the assessment, it is found that it will not affect the integrity of the site (PPS9). If there would be a negative effect, the development may only be allowed if there is no alternative solution and if there are 'imperative reasons of overriding public interest, including those of an economic or social nature'. For sites which support 'priority' habitats or species, schemes can only be considered in terms of 'overriding reasons of human health and public safety, or beneficial consequences of primary importance to the environment or, further to an opinion from the European Commission following consultation by the Government, other imperative reasons of overriding public interest'. Where permission is granted, the District Council will impose planning conditions or seek obligations to provide compensatory measures to preserve the overall coherence of the 'Natura 2000' network.

3.33 For the purposes of considering development proposals affecting them, proposed sites of international importance will be treated in the same way as designated sites of international importance. These include both potential Special Protection Areas (pSPAC's) and candidate Special Areas of Conservation (cSAC's) (see PPS9 for further details). The environmental effects of proposed development in or close to sites of international importance to wildlife will also be '*subjected to the most rigorous examination*'. An appropriate assessment required under the Habitats Regulations and carried out by a competent authority may be needed to ascertain whether or not proposals would have a significant adverse impact on the integrity of

the site. This does not correspond to an environmental statement under the Environmental Impact Assessment Regulations 1999, although, for some development proposals, both may be necessary.

3.34 Landowners and prospective developers should also note that designation as a SPA or SAC may affect permitted development rights granted by the Town and Country Planning (General Permitted Development) Order 1995. In particular, the Habitats Directive prevents any development which is likely to significantly affect such sites from benefiting from permitted development rights unless the District Council has decided that it would not adversely affect the integrity of the site. Such a decision is arrived at after consultation with English Nature. Development in or near such sites should, therefore, not proceed without first checking with the District Council and/or English Nature.

#### Policy EC4

Development proposals which may affect a site of international importance (i.e. potential and classified SPAs, candidate and designated sacs and Ramsar sites) will be subject to the most rigorous examination. Any proposals not directly connected with or necessary to site management for nature conservation, which are likely to have a significant effect on such sites will not be permitted where it is found that they would adversely affect the integrity of the site. Exceptions will only be allowed if there is no alternative solution and there are imperative reasons of overriding public interest, which outweigh the ecological importance of the site.

Where the site concerned hosts a priority habitat and/or a priority species and there is no alternative solution, the grant of planning permission will only be justified by considerations which relate to human health, public safety or beneficial consequences of primary importance to the environment unless the European Commission, after consultation by the government, is of the opinion that there are

other imperative reasons of overriding public interest.

Where development is permitted, the District Council will consider the use of conditions on the planning permission or seek a planning obligation to secure all compensatory measures, particularly those necessary to ensure that the overall coherence of natura 2000 is protected.

Nationally Important Sites - Sites of Special Scientific Interest

3.35 Sites of Special Scientific Interest (SSSIs) are designated for their ecological or geological value. Collectively, they form a national network of nature conservation sites and 'where development proposals within or outside a SSSI is likely to have an adverse effect on an SSSI, planning permission should not normally be granted (PPS9). SSSIs can be seriously damaged or even destroyed by development outside their boundaries, and in some instances the development may be some distance away, for example, upstream of a river SSSI.

3.36 South Somerset District contains a large number of SSSIs, including geological sites, covering a wide range of habitats. They are listed in Appendix A.2. The District Council will not permit development which would damage the nature conservation value of an SSSI where such damage is avoidable. For instance, it can be avoided where there is a suitable alternative site. Where there is no such suitable alternative, permission may be granted where the risk of damage can be avoided through use of conditions 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'. In addition, compensatory measures can be secured to maintain the national network of SSSIs. Conditions can, for example, require: areas to be fenced or banded off to prevent disturbance; operations or uses to be restricted to specific times of the year; or the provision of pollution control measures.

3.37 Planning permission which would have a damaging effect may also be granted where

there are other material considerations which outweigh the nature conservation value of the site or the national policy to safeguard the national network of such sites. In such instances there must be a justification of national or other strategic need, and there is no suitable alternative. In all such exceptional cases conditions will be imposed or planning obligations sought to minimise the effect and provide compensatory measures.

3.38 Some SSSIs may also have additional designations for specific reasons, either a higher level international designation or other national designations such as National Nature Reserve (NNR), Nature Conservation Review site (NCR), or Geological Conservation Review site (GCR). In NNRs, NCRs and GCRs, when considering the merits of the proposed development against nature conservation interest, the District Council will pay particular regard to their national importance.

3.39 SSSIs are designated by English Nature and the District Council must consult with them about planning applications; (i) in an SSSI, (ii) in any consultation area around an SSSI defined by English Nature, or (iii) which are likely to affect an SSSI. Applications which would have a significant effect on NNRs, NCR's and GCRs or affecting SSSIs and raising planning issues of more than local significance, may be called-in by the Secretary of State for decision. Landowners or prospective developers are, therefore, advised to discuss informally any such proposals with the District Council's Conservation Unit or English Nature at an early stage before formally seeking permission.

**Policy EC5**

Proposals for development in, or likely to affect, sites of special scientific interest will be subject to special scrutiny. Development proposals which may have a detrimental effect on a site of special scientific interest (SSSI) will only be permitted if other material considerations outweigh the nature conservation value of the site and the national policy to safeguard the national network of such sites.

Where the site concerned is a national nature reserve (NNR), or a site identified under the nature conservation review (NCR) or geological conservation review (GCR), particular regard will be paid to the individual site's national importance.

Where development is permitted, the district council will use conditions on the planning permission or seek a planning obligation to ensure the protection and enhancement of the site's nature conservation interest, or the provision of appropriate compensatory measures.

#### Locally Important Sites

- 3.40 Government advice in PPS9 states that '*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*'. Together with statutory sites and other countryside features they form a network necessary to ensure the maintenance of the biodiversity of the countryside. The importance of wildlife interests outside designated sites, which will include statutorily protected species and habitats (covered by Policies EC7 and 8 below) is becoming increasingly recognised through initiatives such as Biodiversity Action Plans and Nature Conservation Strategies and will be taken account of in all planning decisions.
- 3.41 The Council considers that local nature conservation designations should only identify sites of 'substantive nature conservation value' to avoid unnecessary constraints to development. In accordance with this advice, the District has been surveyed by the Somerset Wildlife Trust/Somerset Environmental Records Centre and only sites of a substantive nature conservation value have been identified for inclusion in Policy EC6. Sites have been identified by Somerset Environmental Records Centre using selection criteria based on habitats and species. The status of sites is kept under periodic review as new information becomes available. The

habitats and species are evaluated in a county, national and European context, including reference to the EU Habitats Directive, 1992, national Red Data Book species and Somerset Notable species, which in turn take account of county and national rarity. The criteria are consistent with the approach published nationally in the Wildlife Sites Handbook, 2nd Edition, (Wildlife Trusts, 1997). Locally important sites are extensive across the District and include a wide variety of habitats. They are listed in Appendix A.2.

#### Policy EC6

Development proposals which may have a detrimental effect on local nature conservation and geological interests, including those sites designated as local nature reserves (INRS), county wildlife sites (CWSS) or county geological sites (CGSS), will only be permitted where other material considerations outweigh the harm that would be caused to the substantive nature conservation or geological value of the site.

Where development is permitted which would damage the nature conservation or geological value of such a site, the damage should be kept to a minimum and the district council may use conditions on the planning permission or seek planning obligations to provide appropriate compensatory measures.

#### Networks of Natural Habitats

- 3.42 Government policy (PPS9) encourages the conservation of features of the landscape, such as rivers with their banks, traditional field boundaries (such as hedgerows), ponds and small woods in accordance with the Habitats Directive. Such features are of major importance for wild flora and fauna and because of their linear and continuous structure or their function as stepping-stones, are essential for migration, dispersal and genetic exchange. They clearly contribute to and are an important part of the overall network of nature conservation sites and help to maintain and improve the District's biodiversity.
- 3.43 The Local Biodiversity Action Plan helps in the

identification of landscape features and habitats of major importance to wildlife. The District Council will not permit development which would damage or destroy such sites unless there is an overriding need which outweighs the nature conservation value of the site. Where such development is permitted the impact on the nature conservation value of the site shall be kept to a minimum. In such instances, mitigating or compensatory measures may be required by planning condition or obligation to reinstate the nature conservation value of the site, to promote the site's management as a nature conservation resource including, where appropriate, monitoring of the management measures.

- 3.44 The Habitat Regulations state that development plans shall include policies encouraging the management of such features. PPS9 advises that *'Local authorities should aim to maintain networks by avoiding or repairing the fragmentation and isolation of natural habitats through policies in plans'*. Policy EC7 reflects this advice.

#### Policy EC7

Development proposals which would adversely affect the integrity or continuity of networks of natural habitats will only be permitted if other material considerations outweigh the nature conservation value of the feature.

Where development is permitted which would damage the nature conservation value of such a feature, the damage should be kept to a minimum and the district council may use conditions on the planning permission or seek planning obligations to provide appropriate compensatory measures and to promote management of the resource.

#### Protected Species

- 3.45 Nature conservation is not only concerned with the maintenance and enhancement of wildlife habitats. Certain plant and animal species, including all wild birds, badgers and

bats are protected by other legislation at national and international levels. Although the protection offered by these Acts is additional to that offered by the planning system, the presence of a protected species is a material planning consideration.

- 3.46 Government advice in PPS9 states that *'Local Authorities should take measures to protect the habitats of protected species from further decline through policies in development plans'*. Furthermore, *'Planning Authorities should ensure that these species are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations'*. The Government's Regional Planning Guidance for the South West (RPG10) states that local plans should 'protect from adverse development any site which supports species protected by law, such as those scheduled in the Wildlife and Countryside Act 1981'.

- 3.47 Where there is a known or suspected protected species likely to be affected by proposed development the District Council will automatically consult with English Nature. Similarly, if a landowner or prospective developer suspects that there is a protected species on a site, then advice should be sought as soon as possible. Although English Nature are the statutory advisors, it may be desirable to contact Somerset Environmental Records Centre or local specialist groups who may hold more information on a particular concern. Protected species can often be accommodated within development proposals and it is important therefore to seek specialist advice at the earliest opportunity. Particular care must be taken with barn conversion proposals, which may need to conserve bats or barn owls.

#### Policy EC8

Development proposals which would result in harm to a protected species or its habitat will not be permitted unless satisfactory measures are proposed to protect the species or its habitat.