

BIODIVERSITY AND DEVELOPMENT SPG

APPENDIX 4 – PLANNING OBLIGATIONS AND PLANNING CONDITIONS

Appendix 4: Planning Obligations and Planning Conditions

- A4.1 **PLANNING OBLIGATIONS:** The Council will use **LDP Policy IO 1 - Infrastructure Provision** to secure the delivery of requirements to provide measures to maintain and enhance biodiversity considered necessary as part of the proposal. This may include measures to protect/avoid, mitigate, compensate, enhance, manage and monitor the impacts of the development. The Council's preference is to retain existing features and integrate newly created features within the design and layout of the site. Where this is not possible, the Council may seek either a financial contribution or the provision of land in order to achieve the measures required off-site.
- A4.2 Contributions will be secured through planning obligations in accordance with the legislative and policy framework provided in **PPW, Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and Welsh Office Circular 13/97 'Planning Obligations' (or subsequent versions)**.
- A4.3 The Council expects that the costs relating to any biodiversity measures required to make the development viable and sustainable will be taken into account at an early stage of the development process (including land acquisition). This will ensure that realistic values and costs are achieved as part of the development appraisal.
- A4.4 **PLANNING CONDITIONS:** Planning conditions may be attached to a planning permission where appropriate, to secure the delivery of the recommendations set out in the Ecological Survey Report to avoid, mitigate, compensate, enhance, manage and monitor the biodiversity impacts of the development.
- A4.5 **VIABILITY:** Where a developer seeks to question the viability of a scheme to be delivered in accordance with the policy requirements, **the Council will request an independent development appraisal**. This may involve a full assessment if no viability appraisal has been undertaken. The Council will expect the costs of such an appraisal to be met by the applicant.

PLANNING OBLIGATIONS

Justification The Council has a duty to ensure that the County's biodiversity assets are protected and enhanced.

This includes Special Areas of Conservation (SAC), Special Protection Areas (SPA), RAMSAR sites, Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNRs), Sites of Importance for Nature Conservation (SINCs), European Protected Species (EPS), Section 7 Species and Habitats, non-statutory sites, and Ancient and Semi Natural Woodlands.

Developers should seek to avoid developing on biodiversity assets, however if this is not possible appropriate mitigation and enhancements should be undertaken.

Planning Obligations				
Requirement	Nature of Contribution	Trigger for obligation	Payment types	Implementation
<p>There is no specific formula for contributions.</p> <p>Financial contributions will be calculated based on the recommendations in any Management Plan submitted.</p>	<ul style="list-style-type: none"> Mitigation measures. Habitat protection, avoidance, enhancement, restoration and creation (off and on site), compensation, monitoring and maintenance Landscaping. Site management Site interpretation Financial 	<ul style="list-style-type: none"> All development which may have an impact on ecological, or landscape sensitive features. Specific locations will need to be assessed individually. An Ecological Mitigation and Management Plan (EMMP) is required for all appropriate developments. CIL compliant enhancement 	<ul style="list-style-type: none"> All capital costs of implementation, mitigation or compensation measures; and Maintenance costs for a period to be agreed (for example, up to 10 years). Monitoring costs 	<ul style="list-style-type: none"> Developer to implement appropriate mitigation, enhancement, restoration or creation on site where agreed and delivery specified in the S106 agreement. If the developer makes financial contributions, they are likely to be required either prior to the commencement of the development or before the practical completion of buildings on site, depending on both the nature of the development and type of contribution required. If the developer makes financial contributions for offsite enhancements, restorations or creations, the appropriate trigger point for payment of contributions will be negotiated with the developer as part of the S106 agreement. The Council will be responsible for the delivery of the specified work within the agreed timescale