

POLICY NC1 - THE PROTECTION OF SITES OF INTERNATIONAL IMPORTANCE FOR NATURE CONSERVATION

Written Statement Paragraph 13.9

OBJECTIONS: 053/1 English Nature 070/95 GO-M 080/12 Cheshire Wildlife Trust
126/2 Mersey Estuary Conservation Group 127/16 Wirral Wildlife
216/2 RSPB

COUNTER-OBJECTION: 053/A English Nature

Summary of Objections

- 13.1 The word 'normally' should be deleted from Policy NC1 (070/05, 216/2). Whilst the broad thrust of Policy NC1 is supported, the Policy (together with NC3 and NC5¹) should be deleted and replaced by a policy dealing with all sites with statutory designations and a further policy dealing with those without statutory protection (drafts suggested) (053/1).
- 13.2 The last sentence of Paragraph 13.9 implies that development proposals will only be refused where demonstrably contrary to the appropriate convention. This places the onus upon others than the developer. The Policy should ensure that the responsibility is upon the developer to show a case in favour of the development (080/12, 127/16).
- 13.3 The wording of Policy NC1 is too weak to ensure that proposals which would damage sites of international importance are not permitted (126/2). The final paragraph of the Policy should make it clear that planning permission will not be granted unless the development can be proven to be in the overriding public interest that outweighs the conservation interest of the site, and the need for the development cannot be met elsewhere (216/2).
- 13.4 Whilst the proposed amendments² to Policy NC1 are welcomed, the amended Policy is not strong enough to protect important international sites, particularly the intention that 'the proposal ... will be assessed by the local planning authority'. An international sites policy should be considered (draft suggested) (053/A).

Assessment and Conclusions

13.5 The published change to Policy NC1 omits 'normally', and strengthens the Policy in other ways. There is express reference to existing or proposed European sites³ and Ramsar

¹ Policy NC3 - The Protection of Sites of National Importance for Nature Conservation; Policy NC5 - The Protection of Local Sites for Nature Conservation.

² ALT/NATURE/002 (CD056, page 171).

³ It is assumed that 'European site' refers to Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).

sites⁴. The criteria requested in Objection 216/2 have been incorporated. There is greater clarity in the Policy that proposals which do damage to qualifying sites will not be permitted. Paragraphs 13.8 and 13.9 of the Reasoned Justification are also substantially revised, and include the possible requirement of the applicant for planning permission to provide further information on the environmental impact of the proposals. This would appear to meet the spirit of the representations in Objections 080/12 and 127/16.

13.6 The suggestion that there should be a common policy for all statutorily designated sites (i.e., those listed under both proposals NC2 and NC4⁵) has on the face of it some merit; however I respect the Council's view that separate policies are justified for sites of different origins of designation, and that sites of international importance should be the subject of their own policy, thus emphasising the very special protection which they deserve.

13.7 Consideration of Counter-objection 053/A has resulted in the publication of a further change to Policy NC1⁶. The Policy has been revised and extended, and incorporates much of the wording suggested by the Objector. The circumstances under which development might exceptionally be permitted is made more specific and, by implication, more restricted. There have been no further Counter-objections to this change and I recommend its adoption.

Inspector's Recommendation

13.8 I recommend that the UDP be modified by the amendment of Policy NC1 in accordance with ALT2/NATURE/001 and of its Reasoned Justification in accordance with ALT/NATURE/002.

⁴ Wetland sites listed under the Ramsar Convention (see Annex E to PPG9 *Nature Conservation*).

⁵ Proposal NC2 - Sites of National Importance for Nature Conservation; Proposal NC4 - Sites of National Importance for Nature Conservation.

⁶ ALT2/NATURE/001 (CD057, page 22).

**POLICY NC3 - THE PROTECTION OF SITES OF NATIONAL IMPORTANCE
FOR NATURE CONSERVATION
PROPOSAL NC4 -
SITES OF NATIONAL IMPORTANCE FOR NATURE CONSERVATION**

OBJECTIONS: 053/2, 053/9 English Nature 070/96 GO-M
080/13 Cheshire Wildlife Trust
126/3 Mersey Estuary Conservation Group 127/17 Wirral Wildlife
216/3 RSPB

COUNTER-OBJECTION: 053/B English Nature

Summary of Objections

- 13.9 The word 'normally' should be deleted from Policy NC3 (070/96, 126/3). Policy NC3 (and Policies NC1 and NC5¹) should be replaced by two policies, one dealing with sites with statutory designations, and the second with sites of nature conservation interest which do not have such a designation (drafts suggested) (053/2).
- 13.10 The word 'significantly' should be deleted from Policy NC3, as any damage to a Site of Special Scientific Interest (SSSI) is significant (080/13, 127/17). The phrase 'in or near' in the Policy wrongly implies that a potentially damaging but geographically distant proposal would not fall within the remit of the Policy. The Policy should be amended to reflect the possibility of indirect damage to a distant site (126/3).
- 13.11 The first proposed amendment to Policy NC3 ('the first alteration')² implies that SSSIs can be divided into sections of more or less interest. The Policy should be reworded (draft suggested) (053/B).
- 13.12 The boundary of the Dee Cliffs SSSI (Proposal NC4/5) has changed, and should be amended on the Proposals Map (053/9).

Assessment and Conclusions

13.13 The suggestion that there should be a common policy for all statutorily designated sites (i.e., those listed under both Proposals NC2 and NC4³) has on the face of it some merit; however I respect the Council's view that separate policies are justified for sites of different

¹ Policy NC1 - The Protection of Sites of international Importance for Nature Conservation; Policy NC5 - The Protection of Sites of Local Importance for Nature Conservation.

² ALT/NATURE/003 (CD056, page 172).

³ Proposal NC2 - Sites of international Importance for Nature Conservation; proposal NC4 - Sites of National Importance for Nature Conservation.

origins of designation, and that sites of national importance should be the subject of their own policy, thus making clear the specific criteria which will be brought to bear in the assessment of proposals which may affect their nature conservation interests.

13.14 The first alteration to Policy NC3 omits 'normally' and 'significantly'. The amended Policy also avoids reference to development 'in or near' the sites concerned, replacing this phrase by a reference to direct or indirect effects.

13.15 The criticism that the first alteration to Policy NC3 implies that some parts of SSSIs may be more important than others has led to a further published change to the Policy ('the second alteration')⁴, with a material change in the construction of the wording to refer to development proposals being subject to 'special scrutiny'. The second alteration appears to avoid the implication referred to in Counter-objection 053/B.

13.16 The alteration to the boundary of the Dee Cliffs SSSI is the subject of a published change to the Proposals Map⁵.

Inspector's Recommendation

13.17 I recommend that the UDP be modified by the amendment of Policy NC3 in accordance with ALT2/NATURE/003 and by the adjustment of the Proposals Map in accordance with ALT/NATURE/010.

⁴ ALT2/NATURE/003 (CD057, page 24).

⁵ ALT/NATURE/010 (CD056, page 179 and map following).

POLICY NC5 - THE PROTECTION OF SITES OF LOCAL IMPORTANCE FOR NATURE CONSERVATION; Written Statement Paragraph 13.25

OBJECTIONS: 053/3 English Nature 070/97 GO-M¹
080/14 Cheshire Wildlife Trust 127/18 Wirral Wildlife
215/12 Wirral Green Belt Council

Summary of Objections

- 13.18 The word 'normally' should be deleted from Policy NC5 (070/97). Policy NC5 (and Policies NC1 and NC3²) should be replaced by two policies dealing respectively with sites with statutory designations, and sites of nature conservation interest without such a designation (drafts suggested) (053/2). The Policy should contain a 'presumption against development' on sites subject to the Policy (draft suggested) (215/12).
- 13.19 The Reasoned Justification for Policy NC5 should refer to the need to seek the co-operation of landowners or tenants of each site subject to the Policy, and to provide advice as necessary on the nature conservation value of the site (080/14, 127/18).

Assessment and Conclusion

13.20 A published change to Policy NC5 omits 'normally'³. I respect the view that separate policies are justified for sites of different designations, and deal with statutory sites elsewhere⁴. Policy NC5 does provide a single policy for sites of nature conservation interest without statutory status. I consider the criteria basis for the Policy an equally if not more satisfactory a way of ensuring effective control over development affecting the sites which are the subject of Policy NC5 as the suggested 'presumption against' approach. The adjustment of the wording proposed would in my view result in firmer control over any development than the deposit version of the Policy. It is proposed to insert a paragraph into the Reasoned Justification for Policy NC5, dealing with the matters raised in Objections 080/14 and 127/18.

Inspector's Recommendation

13.21 I recommend that the UDP be modified by the amendment of Policy NC5 and the expansion of its Reasoned Justification in accordance with ALT/NATURE/004.

¹ I note that the Council have treated Objection 070/97 as applying to Policy NC7 as well as NC5. This is not however borne out from my reading of the original representations. However, the Council propose in any event to amend Policy NC7 under ALT/NATURE/005 (CD056, page 174), as if the representations made in respect of Policy NC5 in the Objection also applied to Policy NC7. I see no objection to this course of action.

² Policy NC1 - The Protection of Sites of International Importance for Nature Conservation; Policy NC3 - The Protection of Sites of National Importance for Nature Conservation.

³ ALT/NATURE/004 (CD056, page 173).

⁴ See pages 273-276 of this report.

Part II: Proposal NC6 and supporting text - Sites of Biological Importance
NC6/55 Burrell Road, Prenton
NC6/59 Wallasey Golf Course and Leasowe Gun Site
[NC6/64 Paulsfield Drive Woodland, Overchurch]
[NC6/65 Overchurch Park Woodland, Upton]
Cow Pasture Wood and Slack Wood, Bromborough
Colleys Farm, Thurstaston
Mountwood Nursing Home, Mountwood, Prenton

PROPOSAL NC6 - SITES OF BIOLOGICAL IMPORTANCE

Written Statement Paragraph 13.29

NC6/55 Burrell Road, Prenton

NC6/59 Wallasey Golf Course and Leasowe Gun Site

[NC6/64 Paulsfield Drive Woodland, Overchurch ♦]

[NC6/65 Overchurch Park Woodland, Upton ♣]

Cow Pasture Wood and Slack Wood, Bromborough

Colleys Farm, Thurstaston

Mountwood Nursing Home, Mountwood, Prenton

OBJECTIONS: 005/2 Wallasey Golf Club
035/1 The Bromborough Society
076/1, 076/2 Wirral and Cheshire Badger Group
080/15 Cheshire Wildlife Trust
[♦086/3, ♣086/4 Overchurch Scout Camp Committee¹]

Summary of Objections

- 13.22 Paragraph 13.29 should include a commitment to monitoring and regular review of Sites of Biological Importance (SBIs) (080/15).
- 13.23 The designation of the Wallasey Golf Course under NC6/59, and the consequent influence of Policy NC5², might inhibit its proper development (005/2). Land at Cow Pasture Wood and Slack Wood, Bromborough should be designated under Proposal NC6, to complement NC6/50 and NC6/51³ (035/1). A badger habitat at Colleys Farm, Thurstaston should be listed under Proposal NC6, as in the UDP Draft for Public Consultation. NC6/55 could be extended to include Mountwood Nursing Home, Mountwood, Prenton, where there is evidence of badgers (076/1, 076/2).

Assessment and Conclusions

13.24 There may be benefits in reviewing the status of SBIs, but it is difficult to see how this could be co-ordinated with any UDP review process. Policy NC5 as proposed to be

¹ These Objections are considered on pages 216-217 of this report.

² Policy NC5 - The Protection of Sites of Local Importance for Nature Conservation. The Policy is proposed to be amended under ALT/NATURE/004 (CD056, page 173).

³ NC6/50 - Eastham Woods and Long Plantation, Eastham; NC6/51 - Old Hall Road Woods, Bromborough.

Part II: Proposal NC6 and supporting text - Sites of Biological Importance
NC6/55 Burrell Road, Prenton
NC6/59 Wallasey Golf Course and Leasowe Gun Site
[NC6/64 Paulsfield Drive Woodland, Overchurch]
[NC6/65 Overchurch Park Woodland, Upton]
Cow Pasture Wood and Slack Wood, Bromborough
Colleys Farm, Thurstaston
Mountwood Nursing Home, Mountwood, Prenton

amended provides for protection of habitats of special local importance for nature conservation, whether or not they are listed under Proposal NC6. Conversely, should the reason for listing a site no longer apply, evidence to that effect would no doubt be available should a development proposal be put forward for that land. I do not therefore consider that it is necessary or practicable for reference to the regular monitoring/review of sites to be made in Proposal NC6.

13.25 I consider the implications of the Coastal Zone for activities at and proposals for the **Wallasey Golf Course**, elsewhere⁴. The Council state that the nature conservation value of the land designated under NC6/59 arises out of the presence of sand dunes and associated dune grass, scrubland and damp slacks. Objector 5 emphasises their responsible approach to the management of the golf links, and there is no evidence that the activities of a golf course and the dune habitat need be incompatible. The effect of any future development at the golf course would be considered on its merits, given the Green Belt, Coastal Zone and nature conservation designations. The removal of NC6/59 as a listed SBI would not alter this position.

13.26 I conclude elsewhere that any justification for the protection of **Cow Pasture Wood** and **Slack Wood** is capable of being made in the context of that land being allocated for employment use under Proposal EM3⁵. No evidence has been put forward in Objection 035/1 to demonstrate why these areas of woodland are of such nature conservation interest that they merit listing under Proposal NC6. PPG9 *Nature Conservation* advises that local planning authorities should apply local designations to sites of substantive nature conservation value, and to take care to avoid unnecessary constraints on development⁶. I do not consider that a case has been made for these sites being included under Proposal NC6. The Council accept that **Colleys Farm** should be 'reinstated' as an SBI and the **Mountwood Nursing Home** added as a new SBI under Proposal NC6, and have published changes accordingly⁷.

Inspector's Recommendation

13.27 I recommend that the UDP be modified by the listing of additional sites under Proposal NC6 in accordance with ALT/NATURE/011 and 012, but that no modification be made in response to Objections 005/2, 035/1 and 080/15.

⁴ See pages 57-59 of this report.

⁵ Proposal EM3 - Land for General Employment Use. See pages 89-93 of this report.

⁶ PPG9, paragraph 18.

⁷ ALT/NATURE/011 (CD056, page 180 and map following) and ALT/NATURE/012 (CD056, page 181 and map following).

POLICY NC6 - SITES OF BIOLOGICAL IMPORTANCE

NC6/53 Alma Street Goods Yard, New Ferry

PROPOSAL HS1 - LAND ALLOCATED FOR RESIDENTIAL DEVELOPMENT

OBJECTIONS: 001/1, 001/2 British Rail Property Board

Summary of Objections

- 13.28 The Listing of the Objection site under Proposal NC6/53 should be deleted and the site allocated for residential development under Proposal HS1. Planning permission was granted in 1985 for residential development on the site. The licence granted to the Cheshire Wildlife Trust for the use of the site as a nature reserve was on the basis that the future development potential of the land would not be jeopardised, should access arrangements be improved.
- 13.29 The opportunity to improve the access now exists because of the availability of property fronting onto Alma Street and Bebington Road. No noticeable improvement work has been done to the Objection site since the licence was granted. The site is within a primarily residential area and its development for housing could help to satisfy the Borough's overall housing requirement. There are no other residential development sites in the immediate vicinity. The yield of the site could be about 30 units.

Assessment and Conclusions

13.30 PPG9 *Nature Conservation* highlights the circumstances in which it will be appropriate, outside the realm of statutory designation, for local designations to be given to sites of substantive nature conservation value. The Council have published criteria for the selection of Sites of Biological Importance (SBIs), drawn up in consultation with the Cheshire Wildlife Trust with the endorsement of English Nature¹. No evidence has been submitted to cast doubt upon the Council's statement that the Objection site satisfies 3 out of the 4 selection criteria, namely the presence of a high quality example of at least one habitat type, a high diversity of the species to be included in that habitat, and of good examples of a variety of habitats. The development of the site as a community based butterfly park is the main focus of the nature conservation interest.

13.31 I am therefore satisfied that the Objection site is worthy of listing as an SBI under Proposal NC6, based on what it has become now. The fact that the licence granted by the owners was seen as temporary, pending a change in circumstances which might lead to the development of the site for other purposes, does not in my view change that position. The Council's evidence on the resources committed to the site and about management initiatives is not necessarily incompatible with the Objector's impression that no significant 'improvement'

¹ The criteria are part of guidelines which appear as Supplementary Planning Guidance Note No 39 (see Appendix A to Council statement WMBC/W/NATU/25).

has taken place; the development of a particular habitat or range of habitats would not necessarily mean that the site would become visually more attractive or 'well groomed'.

13.32 As to the use of the Objection site for housing purposes, I conclude elsewhere that the UDP's new dwelling requirement should be increased from 9500 to 10500 dwellings². The thrust of the UDP's key urban regeneration theme is that land for housing should first be sought in the urban areas. I regard the Objection site as falling within the urban area, and therefore consider that its development for housing would be supportive of urban regeneration. However, I am satisfied that sufficient land for housing has been identified by the Council in the UDP or from recommendations in this report either in other urban areas of the Borough or elsewhere outside the approved Green Belt, to satisfy that increased requirement without the need to use the Objection site. Furthermore, it would appear impossible to develop the site for housing purposes to the extent envisaged by the Objector whilst retaining the SBI status and satisfying the criteria in Policy NC5³.

13.33 I therefore consider on the available evidence that there is no compelling case for the Objection site to be allocated for residential development or to justify the removal of the site from designation as an SBI under Proposal NC6, given its nature conservation value and the opportunities this provides for the local community. In reaching this conclusion I have taken into account the expired planning permission for the development of the site for housing and the opportunity that may now exist to make satisfactory access arrangements, but these factors do not in my view outweigh the case for the conservation designation.

Inspector's Recommendation

13.34 I recommend that no modification be made to the UDP in response to Objections 001/1 and 001/2.

² See pages 18-35 of this report.

³ Policy NC5 - The Protection of Sites of Local Importance for Nature Conservation.

POLICY NC7 - LOCAL NATURE RESERVES

OBJECTION: 215/13 Wirral Green Belt Council

Summary of Objection

13.35 Policy NC7 should be deleted. Even small scale developments of the type envisaged in the Policy would disturb the environmental quality of Local Nature Reserves (LNRs). Buildings, car parks and access facilities would be visually intrusive. Such facilities are already provided in the LNRs able to absorb them.

Assessment and Conclusions

13.36 LNR's are designated under the National Parks and Access to the Countryside Act 1949 from habitats of special local significance which can make a valuable contribution to both nature conservation and *opportunities for the public to see, learn and enjoy wildlife*¹. In this context I recognise that it may be necessary to carry out appropriate small scale development within these sites to enable them to perform their public function. Given therefore that such development may arise the availability of a UDP Policy which sets out the basis for the consideration of such proposals is in my view to be preferred to each proposal being considered on an *ad hoc* basis.

13.37 All the Borough's LNRs are either Sites of Special Scientific Interest or Sites of Biological Importance². Thus any proposals affecting these sites will be subject to the detailed criteria in Policies NC3 or NC5³ in addition to Policy NC7. I am satisfied in these circumstances that any proposals for development can be given proper consideration in the light of the relevant nature conservation objectives, and therefore conclude that Policy NC7 has a place in the UDP.

Inspector's Recommendation

13.38 I recommend that no modification be made to the UDP in response to Objection 215/13.

¹ See PPG9, Annex A, paragraph A22.

² Hilbre Island as part of the Dee Estuary (NC4/1); Brotherton Park/Dibbinsdale (NC4/9); Thurstaston Common (NC4/8); Heswall Dales (NC4/6) and Bidston Moss (NC6/62).

³ Policy NC3 - The Protection of Sites of National Importance for Nature Conservation; Policy NC5 - The Protection of Sites of Local Importance for Nature Conservation.

*Part II: Policy NC9 and supporting text -
The Protection of Sites of Importance for Earth Science
Proposal NC10 - Sites of Local Importance for Earth Science
NC10/6 - Hilbre Island, Hoylake
Thurstaston Dungeons
Burton Village and Burton Point
Neston Former Railway Cutting
Heswall Dales*

**POLICY NC9 - THE PROTECTION OF SITES OF IMPORTANCE FOR
EARTH SCIENCE**

Written Statement Paragraphs 13.34 to 13.37

PROPOSAL NC10 - SITES OF LOCAL IMPORTANCE FOR EARTH SCIENCE

NC10/6 - Hilbre Island, Hoylake

Thurstaston Dungeons

Burton Village and Burton Point

Neston Former Railway Cutting

Heswall Dales

OBJECTION: 070/98 GO-M 080/1 to 080/5, 080/17 Cheshire Wildlife Trust
122/10 Rural Development Commission
215/14, 215/26 Wirral Green Belt Council

Summary of Objections

- 13.39 The word 'normally' should be omitted from Policy NC9 (070/98). The Policy should include an additional criteria requiring consideration to be given to the nature, layout and density of development proposed (122/10).
- 13.40 In the Reasoned Justification for Policy NC9 reference should be made to Wirral's geomorphology as well as geology in Paragraph 13.34, Line 1; 'preservation' should be replaced with 'conservation' in Paragraph 13.35, Line 1; 'competent geological consultant' by 'competent independent authority on geology and the RIGS¹ Group' in Paragraph 13.36, Line 4 and 'preserved' by 'conserved' in Paragraph 13.37, Line 4 (080/1 to 080/3, 080/5).
- 13.41 Proposal NC10/6 should be expanded to read 'Hilbre (Main Island, Middle Island, Little Eye and Tansky Rocks), Hoylake, West Kirby (080/4). Sites at Thurstaston Dungeons, Burton Village and Burton Point, Neston Railway Cutting and a rock face at Heswall Dales should be listed under Proposal NC10 (080/17, 215/14, 215/26).

Assessment and Conclusions

13.42 A published change to Policy NC9 omits 'normally' and amends Criterion (i) of that Policy in the manner requested in Objection 122/10². Further published changes amend the text

¹ RIGS is an abbreviation for Regionally Important Geological Sites.

² ALT/NATURE/006 (CD056, page 175).

*Part II: Policy NC9 and supporting text -
The Protection of Sites of Importance for Earth Science
Proposal NC10 - Sites of Local Importance for Earth Science
NC10/6 - Hilbre Island, Hoylake
Thurstaston Dungeons
Burton Village and Burton Point
Neston Former Railway Cutting
Heswall Dales*

of the Reasoned Justification for Policy NC9 as suggested in Objections 081/1 to 081/3 and 081/5)³, and expand the title of Proposal NC10 as requested in Objection 080/4⁴.

13.43 I share the Council view that there would be little point in listing the Thurstaston Dungeons under Proposal NC10, as this site is already listed (as the Dungeon, Heswall) as a statutory geological site of special scientific interest (SSSI) (NC4/7) and therefore has the protection of Proposal NC4 and Policy NC3⁵. The sites at Burton and Neston are outside the Borough Boundary and therefore cannot be the subject of provisions in the UDP.

13.44 Although Heswall Dales is a *biological* SSSI⁶, the Council states that this would not preclude the rock face identified in Objection 215/14 being listing under Proposal NC10 if the circumstances merited it. The Council refer to the relevant Supplementary Planning Guidance Note which identifies site selection criteria for Sites of Local Importance for Earth Science, drawn up by the Wirral and Cheshire RIGS Group⁷. I find it difficult to reach an objective assessment of the merits of listing this site, as little information about its characteristics which would have enabled me to evaluate to what extent it met the site selection criteria have been put forward either by the Objector or the Council. Accordingly the Council's evidence that the site has not so far been suggested for listing by the local RIGS Group results in my concluding that the site does not merit that status.

Inspector's Recommendation

13.45 I recommend that the UDP be modified by the amendment of Policy NC9 and its Reasoned Justification, and of Proposal NC10/6, in accordance with ALT/NATURE/004 to 006, but that no modification be made in response to Objections 080/17, 215/14 and 215/26.

³ ALT/NATURE/007 (CD056, page 176).

⁴ ALT/NATURE/008 (CD056, page 177).

⁵ Proposal NC4 - Sites of National Importance for Nature Conservation; Policy NC3 - The Protection of Sites of National Importance for Nature Conservation.

⁶ As listed under Proposal NC4/6.

⁷ Supplementary Planning Guidance Note 40 (see Appendix B to Council statement WMBC/W/NATU/36).

NATURE CONSERVATION POLICY OMISSION - SPECIES PROTECTION

OBJECTION: 053/4 English Nature

Summary of Objection

13.46 The UDP should contain a policy with a presumption against development which would adversely affect wildlife species protected by law (draft suggested). The need for such a policy is supported in PPG9 *Nature Conservation* and PPG12 *Development Plans and Regional Planning Guidance*¹.

Assessment and Conclusions

13.47 The presence of a protected species is a material planning consideration² and therefore in my view the proper subject of a development plan policy. The Council take the same view, and propose to introduce into the UDP a new policy (NC11) relating to species protection³. The wording the Council propose introduces a qualification not referred to by the Objector, in its reference to planning conditions or obligations. However I am satisfied that it would not be unreasonable for the Policy to refer to ways in which species might be protected if planning permission were granted, and that the Policy would provide appropriate protection in the circumstances envisaged.

Inspector's Recommendation

13.48 I recommend that the UDP be modified by the insertion of Policy NC11 (Species Protection) in accordance with ALT/NATURE/009.

¹ PPG9, paragraphs 44 to 48; PPG12, paragraph 3.18.

² PPG9, paragraph 47.

³ ALT/NATURE/009 (CD056, page 178).