MATTER 10 – PROTECTING IMPORTANT ASSETS

Representor: Toni Gay
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Questions: 10.4, 10.7, 10.10–10.16 and, where relevant, 10.17–10.19

Response

Matter 10 is particularly relevant to my original environmental and biodiversity concerns.

The Inspectors expressly ask whether the Plan's approach to the protection and enhancement of the natural environment and biodiversity is justified, effective and consistent with national policy.

Question 10.10 concerns the protection and enhancement of the natural environment and blue and green infrastructure under Strategic Policy S4.

Question 10.13 concerns Biodiversity Net Gain.

Question 10.14 asks whether changes to Strategic Policy S4 are required for soundness.

Questions 10.15 and 10.16 concern Policy DM16 – Protection and Promotion of Ecology, Nature and Biodiversity, including whether changes to that policy are necessary for soundness.

The subsequent questions concern Policy DM17 and the protection and replacement of trees and landscape features.

In my view, there is an important distinction between protecting existing ecological interests and subsequently delivering biodiversity enhancement or net gain.

Biodiversity Net Gain or biodiversity features incorporated into development should not be treated as substitutes for identifying and avoiding harm to existing habitats or protected species.

Effective ecological policy should operate sequentially:

identify → assess → avoid → mitigate → compensate where necessary → enhance.

Changes sought to Strategic Policy S4 and Policy DM16

I request modification or clarification so that Strategic Policy S4 and Policy DM16 expressly require ecological constraints to be identified at an appropriate and sufficiently early stage.

For Policy DM16, I suggest wording substantially as follows:

> “Where development has the potential to adversely affect biodiversity, habitats or legally protected species, proportionate ecological assessment shall be undertaken at an appropriate stage and sufficiently in advance of works capable of causing harm. Where an adverse effect is identified, necessary avoidance, mitigation, compensation and, where applicable, licensing requirements shall be identified and secured before the relevant works commence.”

The policy should additionally clarify that biodiversity enhancement and Biodiversity Net Gain requirements do not displace the requirement to protect existing habitats and protected species.

This would make the policy more effective and provide greater certainty as to when ecological assessment and mitigation are required.