

Suggested Modifications - Proposed Submission Policies, Sites and Places (PSP) Plan June 2016

The Council is inviting comments on the Suggested Modifications to the submitted Policies, Sites and Places Plan (PSP Plan). The suggestions cover policies, supporting text, Local Green Space designations and the Policies Map.

All comments received by 7pm on the 6th January 2017 will be passed to the Inspector for consideration as part of the examination process.

The Suggested Modifications (including reference code) are available to view in this document:

- [Suggested Modifications \(November 2016\) to the Policies Sites and Places Plan Proposed Submission \(June 2016\) \(OS1\)](#)

Further details can be found in the following documents:

- [Appendix I – Suggested Modifications PSP Plan \(November 2016\) \(OS1a\)](#),
- [Appendix II - Suggested Modifications Local Green Space Designation \(November 2016\) \(OS1b\)](#), and
- [Appendix III Suggested Modifications \(November 2016\) to Policies Map Changes \(June 2016\) \(OS1c\)](#)

All these documents can be viewed online at: www.southglos.gov.uk/PSPsubmission

Making Comments

All comments should be made using this response form below. A [guidance note](#) for completing this form is available from: www.southglos.gov.uk/PSPsubmission. Completed forms should be submitted to the Council using the contact details below.

Email:	planningLDF@southglos.gov.uk
Post:	Strategic Planning Policy & Specialist Advice Team Environment and Community Services Department PO Box 299 Civic Centre Bristol BS15 0DR

If you have any questions regarding this invitation to make comment or would like any further information, please contact the Strategic Planning Policy & Specialist Advice Team on 01454 863464.

Comments should only be submitted once i.e. by email or by post.

All comments must be received by no later than 7.00pm on 6th January 2016.

Receipt of your response will be acknowledged.

Please note that all comments must refer to the relevant suggested modifications reference, local green space reference or policy map.

PART ONE- YOUR DETAILS

Please be aware that anonymous forms cannot be included and that in order for you to submit your form you **must** include your details below.

The information collected as part this consultation will also be used by the Council in accordance with the data protection principles in the Data Protection Act 1998. The purposes for collecting this data are: to assist in plan making; and to contact you, if necessary, regarding the planning consultation process. Some of the data may be made public as it will form part of the evidence base used to inform the creation of planning policy documents. The above purposes may require public disclosure of any data received on the response form, in accordance with the Freedom of Information Act 2000.

Should you wish to make more than one comment, please submit a separate form for each in Part Two below clearly stating which suggested modification, Local Green Space Designation or Policy Map change you wish to comment on. (N.B. You only need to complete Part One (Your Details) once)

In circumstances where there are individuals/ groups/ organisations who share a similar view as to how the plan should change, it would be helpful if individuals/ groups/ organisations make a single response. It would also be useful if the group/ organisation state how many people the submission is representing and how the comment was authorised.

Your Details	Your Agent's Details (If applicable)
Reference No (if known*):	Reference No (if known*):
Title: Mr / Mrs / Miss / Ms / Dr / Other: MR	Title: Mr / Mrs / Miss / Ms / Dr / Other:
Surname: MILWARD	Surname:
Forename: JUSTIN	Forename:
Organisation / Company: WOODLAND TRUST	Organisation / Company:
Address: KEMPTON WAY GRANTHAM NG31 6LL	Address:
Postcode:	Postcode:
Contact No: [REDACTED]	Contact No:
Email: [REDACTED]	Email:

*If you have been contacted by post, you will find your reference number at the top of the letter under 'Our Ref'

PART TWO - YOUR COMMENTS

Please use a separate form for each comment made.

Q1. To which suggested modifications does this comment relate?	
Suggested Modification - Policy Reference: (e.g. SM14)	SM3
Suggested Modification Local Green Space Reference: (e.g. LGS1234)	
Suggested Modification - Policy Map Reference: (e.g. MAP14)	

For guidance on 'legal compliance' and 'soundness' please see the guidance note available from www.southglos.gov.uk/PSPsubmission .
Q2a. Do you consider the suggested modification is legally compliant
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Q2b. Do you consider the suggested modification is sound?
<input type="checkbox"/> Yes <input type="checkbox"/> Yes, with minor changes <input checked="" type="checkbox"/> No

Q3. On what grounds do you consider the modification is <u>unsound</u>? Is it because it is <u>not</u>:
<input checked="" type="checkbox"/> Positively Prepared?
<input checked="" type="checkbox"/> Justified?
<input checked="" type="checkbox"/> Effective?
<input type="checkbox"/> Consistent with National Policy?

Q4. Please set out what change(s) you consider necessary to make the suggested modification legally compliant or sound. Please be as precise as possible.
Your suggested change should have regard to the test you have identified at Q3 above where this relates to soundness. You should state why this change will make the Policies, Sites and Places Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.
It is important that Policy PSP2 – LANDSCAPE cross references effectively to Policies PSP3 – TREES AND WOODLAND and PSP19 – WIDER BIODIVERSITY in respect of protection of ancient woodland and ancient trees.
Emerging national policy is increasingly supportive of full protection of ancient woodland and ancient trees. The Communities and Local Government (CLG) Select Committee published its report following its June 2014 inquiry into the ' Operation of the National Planning Policy Framework (NPPF) ', in which it has specifically recognised the need for better protection for ancient woodland (Tues 16 th Dec 2014). The CLG Select

Committee report states: *'We agree that ancient woodland should be protected by the planning system. Woodland that is over 400 years old cannot be replaced and should be awarded the same level of protection as our built heritage. We recommend that the Government amend paragraph 118 of the NPPF to state that any loss of ancient woodland should be "wholly exceptional". We further recommend that the Government initiate work with Natural England and the Woodland Trust to establish whether more ancient woodland could be designated as sites of special scientific interest and to consider what the barriers to designation might be.'* <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmcomloc/190/190.pdf>.

This shows a clear direction of travel, recognising that the NPPF does not currently provide sufficient protection for ancient woodland. Until the NPPF is amended there is a clear role for Local Plans and associated documents to provide this improved level of protection and to ensure that irreplaceable habitats get the same level of protection as heritage assets enjoy under the NPPF.

As a good example of recent local authority trees and woodland policy, the just adopted **Taunton Deane Site Allocations and Development Management Plan** (Adopted Dec 2016) sets out the following:

"Policy ENV1: Protection of trees, woodland, orchards and hedgerows

Development should seek to minimise impact on trees, woodlands, orchards, historic parklands and hedgerows of value to the areas landscape, character or wildlife and seek to provide net gain where possible. Where the loss is unavoidable, the works (or development) should be timed to avoid disturbance to species that are protected by law. Adequate provision must be made to compensate for this loss.

Development which would result in the loss of Ancient Woodland, Aged or Veteran Trees will not be permitted.

The proper management of this resource for nature conservation purposes will be sought".

Therefore, in order to comply with emerging policy and to make policy PSP2 justified and effective, we would like to see an additional bullet point added to read :

"Development that destroys or damages landscape features such as ancient and valued woodland and ancient and notable trees will not be permitted other than in wholly exceptional circumstances".

Please continue on a separate sheet if necessary

Q5. Do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

Q6. If you wish to participate, please outline why you feel it is necessary to participate at the oral part of the examination.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Please continue on a separate sheet if necessary

Q7. Please indicate which, if any, of the following you wish to be notified about.

- the publication of the recommendations of the independent Inspector
- the adoption of the Plan

Please indicate as appropriate

Signature:



Date:

4/1/2017

Thank you for your time to complete and return this comment form.
Please keep a copy for future reference.

All comment must be received by no later than 7.00pm on 6th January 2016.

PART TWO - YOUR COMMNETS

Please use a separate form for each comment made.

Q1. To which suggested modifications does this comment relate?	
Suggested Modification - Policy Reference: (e.g. SM14)	SM8
Suggested Modification Local Green Space Reference: (e.g. LGS1234)	
Suggested Modification – Policy Map Reference: (e.g. MAP14)	

For guidance on 'legal compliance' and 'soundness' please see the guidance note available from www.southglos.gov.uk/PSPsubmission .
Q2a. Do you consider the suggested modification is legally compliant
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Q2b. Do you consider the suggested modification is sound?
<input type="checkbox"/> Yes <input type="checkbox"/> Yes, with minor changes <input checked="" type="checkbox"/> No

Q3. On what grounds do you consider the modification is <u>unsound</u>? Is it because it is <u>not</u>:
<input checked="" type="checkbox"/> Positively Prepared?
<input checked="" type="checkbox"/> Justified?
<input checked="" type="checkbox"/> Effective?
<input type="checkbox"/> Consistent with National Policy?

Q4. Please set out what change(s) you consider necessary to make the suggested modification legally compliant or sound. Please be as precise as possible.
Your suggested change should have regard to the test you have identified at Q3 above where this relates to soundness. You should state why this change will make the Policies, Sites and Places Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.
<p>We are objecting to the proposed addition of the words “unless the need for, and benefits of, the development in that location clearly outweigh the loss” to Paragraph 3.32 because it is not justified or effective in light of emerging local planning policy.</p> <p>Planning policy on ancient woodland protection has moved on since the original draft of this document. Emerging national policy is increasingly supportive of full protection of ancient woodland and ancient trees. The Communities and Local Government (CLG) Select Committee published its report following its June 2014 inquiry into the ‘Operation of the National Planning Policy Framework (NPPF)’, in which it has specifically recognised the need for better protection for ancient woodland (Tues 16th Dec 2014). The CLG Select Committee report states: ‘<i>We agree that ancient woodland should be protected by the planning system.</i>’</p>

Woodland that is over 400 years old cannot be replaced and should be awarded the same level of protection as our built heritage. We recommend that the Government amend paragraph 118 of the NPPF to state that any loss of ancient woodland should be “wholly exceptional”. We further recommend that the Government initiate work with Natural England and the Woodland Trust to establish whether more ancient woodland could be designated as sites of special scientific interest and to consider what the barriers to designation might be.’
<http://www.publications.parliament.uk/pa/cm201415/cmselect/cmcomloc/190/190.pdf>.

This shows a clear direction of travel, recognising that the NPPF does not currently provide sufficient protection for ancient woodland. Until the NPPF is amended there is a clear role for Local Plans and associated documents to provide this improved level of protection and to ensure that irreplaceable habitats get the same level of protection as heritage assets enjoy under the NPPF.

As a good example of recent local authority trees and woodland policy, the just adopted **Taunton Deane Site Allocations and Development Management Plan** (Adopted Dec 2016) sets out the following:

“Policy ENV1: Protection of trees, woodland, orchards and hedgerows

Development should seek to minimise impact on trees, woodlands, orchards, historic parklands and hedgerows of value to the areas landscape, character or wildlife and seek to provide net gain where possible. Where the loss is unavoidable, the works (or development) should be timed to avoid disturbance to species that are protected by law. Adequate provision must be made to compensate for this loss.

Development which would result in the loss of Ancient Woodland, Aged or Veteran Trees will not be permitted.

The proper management of this resource for nature conservation purposes will be sought”.

Therefore, in order to comply with emerging policy and to make Paragraph 3.32 justified and effective, we would like to see this proposed amendment deleted and a new sentence added to read : “Development that destroys or damages landscape features such as ancient and valued woodland and ancient and notable trees will not be permitted other than in wholly exceptional circumstances”.

Please continue on a separate sheet if necessary

Q5. Do you consider it necessary to participate at the oral part of the examination?

- No, I do not wish to participate at the oral examination
- Yes, I wish to participate at the oral examination

Q6. If you wish to participate, please outline why you feel it is necessary to participate at the oral part of the examination.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Please continue on a separate sheet if necessary

Q7. Please indicate which, if any, of the following you wish to be notified about.

the publication of the recommendations of the independent Inspector

the adoption of the Plan

Please indicate as appropriate

Signature:

[Redacted Signature]

Date:

4/1/2017

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Please keep a copy for future reference.

All comment must be received by no later than 7.00pm on 6th January 2016.

PART TWO - YOUR COMMNETS

Please use a separate form for each comment made.

Q1. To which suggested modifications does this comment relate?	
Suggested Modification - Policy Reference: (e.g. SM14)	SM7
Suggested Modification Local Green Space Reference: (e.g. LGS1234)	
Suggested Modification – Policy Map Reference: (e.g. MAP14)	

For guidance on 'legal compliance' and 'soundness' please see the guidance note available from www.southglos.gov.uk/PSPsubmission.

Q2a. Do you consider the suggested modification is legally compliant

Yes No

Q2b. Do you consider the suggested modification is sound?

Yes Yes, with minor changes No

Q3. On what grounds do you consider the modification is unsound? Is it because it is not:

Positively Prepared?

Justified?

Effective?

Consistent with National Policy?

Q4. Please set out what change(s) you consider necessary to make the suggested modification legally compliant or sound. Please be as precise as possible.

Your suggested change should have regard to the test you have identified at Q3 above where this relates to soundness. You should state why this change will make the Policies, Sites and Places Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text.

We do not consider that the deletion of the words "aim to increase tree cover" from **POLICY PSP3 – TREES AND WOODLAND** is justified or consistent with NPPG in relation to the Landscape Character Assessment SPD.

We consider that the Council has a statutory duty to protect trees and promote tree planting in planning strategy. **Section 197 of the Planning Act (1990)** states:

*197. Planning permission to include appropriate provision for preservation and planting of trees.
It shall be the duty of the local planning authority
to ensure, whenever it is appropriate, that in granting planning permission for any development
adequate provision is made, by the imposition of conditions, for the preservation or planting of trees'.*

The **National Planning Policy Framework (NPPF)** also supports the need for more habitat creation by stating that: 'Local planning authorities should: set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure',

(DCLG, March 2012, para 114). Also para 117 states that: *'To minimise impacts on biodiversity and geodiversity, planning policies should:....promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan'*.

The **England Biodiversity Strategy which** makes it clear that expansion of priority habitats like native woodland remains a key aim - *'Priority action: Bring a greater proportion of our existing woodlands into sustainable management and expand the area of woodland in England'*, (*Biodiversity 2020: A strategy for England's wildlife and ecosystems services*, DEFRA 2011, p.26).

A reading of these two policies in the National Planning Policy Framework together with the England Biodiversity Strategy indicates that habitat expansion, like native woodland creation, should form a high priority for Policies, Sites and Places Plan.

Woodland creation also forms a significant element of the **Government Forestry Policy Statement** (Defra Jan 2013): *'We believe that there is scope for increasing England's woodland cover significantly to deliver economic, social and environmental benefits. We want to see significantly more woodland in England. We believe that in many, although not all, landscapes more trees will deliver increased environmental, social and economic benefits. We particularly want to see more trees and woodlands in and around our towns and cities and where they can safeguard clean water, help manage flood risk or improve biodiversity'*.

We therefore object to deletion of the words "aim to increase tree cover" and would like to see them reinstated.

Please continue on a separate sheet if necessary

Q5. Do you consider it necessary to participate at the oral part of the examination?

- No, I do not wish to participate at the oral examination
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Q7. Please indicate which, if any, of the following you wish to be notified about.

<input checked="" type="checkbox"/> the publication of the recommendations of the independent Inspector <input checked="" type="checkbox"/> the adoption of the Plan <p style="text-align: right;"><i>Please indicate as appropriate</i></p>
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Signature:

Date: 4/1/2017

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PART TWO - YOUR COMMENTS

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Q1. To which suggested modifications does this comment relate?	
Suggested Modification - Policy Reference: (e.g. SM14)	SM27
Suggested Modification Local Green Space Reference: (e.g. LGS1234)	
Suggested Modification - Policy Map Reference: (e.g. MAP14)	

For guidance on 'legal compliance' and 'soundness' please see the guidance note available from www.southglos.gov.uk/PSPsubmission.

Q2a. Do you consider the suggested modification is legally compliant
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Q2b. Do you consider the suggested modification is sound?
<input type="checkbox"/> Yes <input type="checkbox"/> Yes, with minor changes <input checked="" type="checkbox"/> No

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<input checked="" type="checkbox"/> Justified?
<input checked="" type="checkbox"/> Effective?

Consistent with National Policy?

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We are objecting to the insertion of the new second paragraph into **POLICY PSP19 – WIDER BIODIVERSITY** because it is not justified or effective in light of emerging local planning policy.

Planning policy on ancient woodland protection has moved on since the original draft of this document. Emerging national policy is increasingly supportive of full protection of ancient woodland and ancient trees. The **Communities and Local Government (CLG) Select Committee** published its report following its June 2014 inquiry into the '**Operation of the National Planning Policy Framework (NPPF)**', in which it has specifically recognised the need for better protection for ancient woodland (Tues 16th Dec 2014). The **CLG Select Committee report** states: '*We agree that ancient woodland should be protected by the planning system. Woodland that is over 400 years old cannot be replaced and should be awarded the same level of protection as our built heritage. We recommend that the Government amend paragraph 118 of the NPPF to state that any loss of ancient woodland should be "wholly exceptional". We further recommend that the Government initiate work with Natural England and the Woodland Trust to establish whether more ancient woodland could be designated as sites of special scientific interest and to consider what the barriers to designation might be.*' <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmcomloc/190/190.pdf>.

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Development which would result in the loss of Ancient Woodland, Aged or Veteran Trees will not be permitted.

The proper management of this resource for nature conservation purposes will be sought".

Therefore, in order to comply with emerging policy and to make POLICY PSP19 justified and effective, we would like to see this proposed paragraph amended to read (upper case amendments) : "Development Proposals resulting in the loss or deterioration of irreplaceable habitats, including unimproved grassland (lowland hay meadows), ancient woodland, and ancient trees will be refused OTHER THAN IN

WHOLLY EXCEPTIONAL CIRCUMSTANCES”.

Please continue on a separate sheet if necessary

Q5. Do you consider it necessary to participate at the oral part of the examination?

- No, I do not wish to participate at the oral examination
- Yes, I wish to participate at the oral examination

Q6. If you wish to participate, please outline why you feel it is necessary to participate at the oral part of the examination.

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Q7. Please indicate which, if any, of the following you wish to be notified about.

- the publication of the recommendations of the independent Inspector
- the adoption of the Plan

Please indicate as appropriate

Signature:

[Redacted Signature]

Date:

4/1/2017

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