

# CHAPTER 4

# NATURE CONSERVATION

## BACKGROUND

- 4.1 There is a rich diversity of wildlife habitats in the District, reflecting the underlying geology and patterns of drainage. The most extensive areas of interest are found in the upland section of the District: sizeable tracts of upper Nidderdale and the area of Brimham Rocks are recognised particularly for their geological importance, whilst the reservoirs and large areas of moorland are noted for their ornithological interest. The moorlands of the District also contain some of the best examples of heather moor in the Pennines. Outside the Nidderdale area the rivers Ure and Nidd provide a range of habitats, with the floodplains notable for their variety of wildlife. The Nidd Gorge and Quarry Moor are important areas of interest close to the urban areas of Harrogate/ Knaresborough and Ripon respectively. There are 25 Sites of Special Scientific Interest in the District and the Council has designated 4 Local Nature Reserves.
- 4.2 A Phase I Ecological Survey of the District was completed in Spring 1994. This provides a comprehensive inventory of the District's wildlife resources and enables the Council to evaluate the impact on wildlife of land use change. An assessment of this survey has identified sites of local conservation value - Sites of Importance for Nature Conservation (SINCs).
- 4.3 The Plan's nature conservation policies aim to conserve sites, habitats and individual species. There are three categories of wildlife site protection policies ranging from internationally important sites (for example, Special Protection Areas) to Sites of Importance for Nature Conservation (SINCs). The Council will apply the Plan's site protection policies in accordance with their status.

## POLICY CONTEXT

- 4.4 The Earth Summit at Rio de Janeiro in 1992 agreed an action plan for the environment, entitled Agenda 21. This plan included a programme for the conservation of biodiversity. The Planning and Compensation Act 1991 requires that all development plans should include policies for the conservation of the natural beauty and amenity of the land. The Government's White Paper, 'This Common Inheritance' makes a strong commitment to conserving Britain's wildlife for the benefit of this and future generations. PPG9 (Nature Conservation) sets out the principles and policies for nature conservation in land use planning.
- 4.5 The planning strategy of the County Structure Plan gives a high priority to the conservation of natural resources and the environment. Policy E6 seeks to protect sites of natural interest from development which would have an adverse effect on such sites.
- 4.6 The Council's Countryside and Environmental Strategies seek, amongst other things, to protect and enhance the natural interest of the District. This policy context has been an important consideration in the preparation of policies in this chapter of the Local Plan.

## OBJECTIVES

- 4.7 This Local Plan aims to protect and enhance the nature conservation interest in Harrogate District. The Council's main objectives for land use planning policies relating to nature conservation are as follows:
- 1) **TO PROTECT SITES, HABITATS AND SPECIES OF NATURE CONSERVATION INTEREST FROM INAPPROPRIATE DEVELOPMENT.**
  - 2) **TO ENHANCE THE NATURE CONSERVATION INTEREST IN THE DISTRICT.**

## ENVIRONMENTAL CONSIDERATIONS

- 4.8 Those aspects of the environment on which land use plans can have an impact were identified during preparation of this Local Plan (Environment Issues Report - May 1993). Policies were then drafted to protect and enhance these aspects within the Environment section of the Local Plan. The policies of this chapter seek to protect and enhance the interests of nature conservation in the District and assist towards the retention of both local environmental quality and global sustainability. This meets with the Friends of the Earth Charter recommendations (ref. 154(1), 160) which has been adopted by the Council, and is in accordance with PPG9.

## POLICIES AND PROPOSALS

### INTERNATIONAL WILDLIFE SITES

#### POLICY NC1

**~~PROPOSALS FOR DEVELOPMENT LIKELY TO HAVE AN ADVERSE EFFECT ON A EUROPEAN WILDLIFE SITE, A PROPOSED EUROPEAN WILDLIFE SITE OR A RAMSAR SITE WILL NOT BE PERMITTED. THE STRICTEST PROTECTION WILL BE AFFORDED TO THESE SITES IN ACCORDANCE WITH THEIR INTERNATIONAL IMPORTANCE.~~**

#### *Justification*

- 4.9 *The North Pennine Moors were designated by Government as a Special Protection Area (SPA) on 9 February 2001 under the EC Birds Directive (79/409/EEC). They extend to some 147,246 ha in North Yorkshire, County Durham and Northumberland and form part of a network of protected wildlife sites across the European Union called 'Natura 2000'. They encompass the East and West Nidderdale, Barden and Blubberhouses Moors in Harrogate District. SPA designation places an obligation on the Government, its agencies and local authorities to promote conservation of the land and to take steps to prevent deterioration of the habitats and species for which the area has been designated. The species in question are hen harrier, peregrine falcon, merlin and golden plover whose populations account for 2.3%, 1.3%, 10.5% and 6.2% respectively of the UK population. Development proposals affecting these areas will be the subject of statutory consultation with English Nature in accordance with Annex C of PPG9.*
- 4.10 *The North Pennine Moors and Kirk Deighton SSSI are also candidate Special Areas of Conservation (SAC) under the EC Habitats Directive enacted by the UK Parliament in 1994. This designation gives protection to the habitat. In the North Pennine Moors these habitats are blanket bog (dominated by a thick carpet of bog mosses, cotton grass and heather species), dry heath (heather-covered) and old sessile oak woods and, at Kirk Deighton, open water and surrounding vegetation. SACs are subject to the same statutory consultation arrangements with English Nature.*

- 4.11 *The very nature and inaccessibility of these remote moorland areas constrain development to a significant degree and it is only on rare occasions that this policy is likely to be applied. The appropriate management of the area, e.g. the burning/cutting of heather and bracken control, will continue. English Nature is currently assessing what grant incentives might be available for such purposes following designation.*
- 4.12 *The possible environmental effects of new proposals within or adjacent to the SPA and candidate SAC and any future designated Ramsar sites will be subjected to the most rigorous examination. Ramsar sites are wetlands of international importance, however there are currently no sites within Harrogate District. PPG9 (para 39) indicates that whilst each case should be judged on its merits, an environmental statement will normally be required where a Schedule 2 development (Town and Country Planning (Assessment of Environmental Effects) Regulations 1988) affects these sites (see also justification to Policy A1). It should be noted that the 1988 Regulations have been superseded by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.*
- 4.13 *In considering applications for development affecting international wildlife sites, the need for the proposed development will be balanced against the international importance of the site and its nature conservation interest.*

## SITES OF NATIONAL IMPORTANCE FOR NATURE CONSERVATION

### POLICY NC2

**PROPOSALS FOR DEVELOPMENT LIKELY TO HAVE AN ADVERSE EFFECT ON A SITE OF SPECIAL SCIENTIFIC INTEREST WILL NOT BE PERMITTED. STRICT PROTECTION OF THESE SITES WILL BE AFFORDED IN ACCORDANCE WITH THEIR NATIONAL IMPORTANCE.**

#### Justification

- 4.14 *PPG9 has identified Sites of Special Scientific Interest (SSSIs) as being of national importance for nature conservation. They are designated by English Nature under Section 28 of the Wildlife and Countryside Act 1981. There are 25 Sites of Special Scientific Interest in the District. These are marked on the Proposals Map and listed in Appendix III. Advice and information on their natural interest can be obtained from the Council or English Nature.*
- 4.15 *The environmental effects of new proposals within or adjacent to SSSIs will be subject to special scrutiny. PPG9 (para 39) indicates that, whilst each case should be judged on its merits, an environmental statement will normally be required where a Schedule 2 development (Town and Country Planning (Assessment of Environmental Effects) Regulations 1988) affects an SSSI (see also justification to Policy A1). It should be noted that the 1988 Regulations have been superseded by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.*
- 4.16 *In considering applications for development affecting an SSSI, the need for the proposed development will be balanced against the national importance of the site and its nature conservation interest.*

**LOCAL WILDLIFE SITES****POLICY NC3**

**PROPOSALS FOR DEVELOPMENT LIKELY TO HAVE AN ADVERSE EFFECT ON A LOCAL NATURE RESERVE OR A SITE OF IMPORTANCE FOR NATURE CONSERVATION WILL NOT BE PERMITTED. PROTECTION OF THESE SITES WILL BE AFFORDED IN ACCORDANCE WITH THEIR DISTRICT-WIDE IMPORTANCE.**

*Justification*

- 4.17 *An assessment of the Phase 1 Ecological Survey of the District has identified many sites which are of local conservation value. These sites are called Sites of Importance for Nature Conservation (SINCs) and have been selected in accordance with criteria provided by English Nature. There are 4 Local Nature Reserves (LNRs) in this District which have been designated by the Council under Section 21 of the National Parks and Access to the Countryside Act 1949. These reserves constitute habitats of local significance and provide opportunities for the public to see, learn about and enjoy wildlife. These SINCs and LNRs are marked on the Proposals Map and listed in Appendix III of this Plan.*
- 4.18 *In considering applications for development affecting local wildlife sites, the need for the proposed development will be balanced against the local importance of the site and its nature conservation interest.*

**SEMI-NATURAL HABITATS****POLICY NC4**

**OUTSIDE DESIGNATED SITES DEVELOPMENT WILL NOT BE PERMITTED WHICH WOULD RESULT IN THE LOSS OF OR DAMAGE TO SEMI-NATURAL HABITATS WHICH ARE IMPORTANT FOR NATURE CONSERVATION. PROTECTION OF THESE HABITATS WILL BE AFFORDED IN ACCORDANCE WITH THEIR IMPORTANCE WITHIN THE DISTRICT.**

*Justification*

- 4.19 *Semi-natural habitats many of which are identified in the Phase 1 Ecology Survey of the District are areas of land where current and past management practices including farming and forestry have resulted in the conservation of areas capable of supporting wildlife. For example the semi-natural ancient woodlands of Hookstone Wood (Harrogate), Gillbeck Wood near Pateley Bridge, and wetlands of the flooded former sand and gravel workings adjacent to the River Ure north of Ripon, all support significant populations of wild birds and animals.*
- 4.20 *It is important that semi-natural habitats in general are protected. The nature conservation value of key wildlife sites identified in the District is closely related to the quality of habitats for wildlife which extend beyond the confines of specific sites. Land in the vicinity of key sites often acts as a buffer zone helping to protect the interests of nature conservation importance. The ecological requirements of many wild animals and most birds could not be provided from the small area of land in the Plan area specifically designated as being of national or local wildlife importance, and if habitat quality is allowed to decline, there will be a corresponding decline in the range and diversity of wildlife in the District. Statutory and non-statutory sites, together with countryside features, such as hedgerows, ponds, rivers, streams, all provide wildlife corridors from one habitat to another, which help to form a network necessary to ensure the maintenance of the current range and diversity of our flora and fauna. Only a relatively small area of semi-natural habitats remains in Harrogate District according to the Phase 1 Ecological Survey. Of this, some habitats are very restricted indeed. For example, calcareous grassland of conservation value outside SSSIs accounts for 0.037% or 50 hectares of this total. Further information is available in the report of the Harrogate/ Hambleton Phase 1 Ecological Survey produced by English Nature and available from Harrogate Borough Council.*

- 4.21 *In considering applications affecting semi-natural habitats, the need for the proposed development will be balanced against the importance of the habitat within the District.*
- 4.22 *In cooperation with owners and the Forestry Authority, the Council will seek to promote woodland management practices which enhance the ecological and landscape value of woodlands.*
- 4.23 *In cooperation with the Environment Agency, British Waterways and riparian owners, the Council will seek to maintain the current standards of water quality and enhance the nature conservation interest of reservoirs, lagoons, rivers and their flood plains.*

## IMPACT MITIGATION ON NATURE CONSERVATION INTEREST

### POLICY NC5

~~WHERE DEVELOPMENT IS EXCEPTIONALLY PERMITTED WHICH IS LIKELY TO HAVE AN ADVERSE EFFECT ON ANY SITE OF NATURE CONSERVATION INTEREST OR SEMI-NATURAL HABITAT THE HARM TO THE SITE'S NATURAL INTEREST SHOULD BE KEPT TO A MINIMUM. WHERE APPROPRIATE THE DEVELOPER WILL BE REQUIRED THROUGH THE USE OF CONDITIONS AND/OR PLANNING OBLIGATIONS TO PROVIDE APPROPRIATE COMPENSATORY MEASURES IN ACCORDANCE WITH POLICY IMP3 OF THIS LOCAL PLAN.~~

#### *Justification*

- 4.24 *If development is to be permitted which could affect any wildlife site of local, national or international importance, or semi-natural habitats (Policies NC1 – NC4), it is important to consider carefully how the details of the proposals can either avoid any impact of the site's natural interest or if some impact is unavoidable, how this can be minimised. Many valuable wildlife sites have developed only as the result of sympathetic and careful management by farmers and landowners.*
- 4.25 *To help land managers retain the conservation interest of their land, the Council will seek advice and information about grant aid from North Yorkshire Farming and Wildlife Advisory Group, where appropriate. The Council will seek to enter into a management agreement with landowners to secure the long term future of non-statutory sites of nature conservation interest.*

## SPECIES PROTECTED BY LAW

### POLICY NC6

~~DEVELOPMENT AND OTHER LAND USE CHANGES WHICH MAY HAVE AN ADVERSE EFFECT ON BADGERS AND OTHER SPECIES PROTECTED BY SCHEDULES 1, 5 AND 8 OF THE WILDLIFE AND COUNTRYSIDE ACT 1981, AS AMENDED, WILL ONLY BE PERMITTED WHERE HARM TO THE SPECIES CAN BE AVOIDED. TO AVOID HARM TO THE SPECIES THE LOCAL PLANNING AUTHORITY MAY CONSIDER THE USE OF CONDITIONS AND PLANNING OBLIGATIONS WHICH SEEK TO:~~

- ~~A) FACILITATE THE SURVIVAL OF INDIVIDUAL MEMBERS OF THE SPECIES; AND/OR~~
- ~~B) REDUCE DISTURBANCE TO A MINIMUM; AND/OR~~
- ~~C) PROVIDE ADEQUATE ALTERNATIVE HABITATS TO SUSTAIN AT LEAST THE CURRENT LEVELS OF POPULATIONS.~~

#### *Justification*

- 4.26 *PPG9 indicates that the presence of a protected species will be a material consideration where a local planning authority is considering a development proposal which if carried out would be likely to result in harm to a protected species or its habitat. Such wildlife species are protected under the Badgers Act 1992 and Wildlife and Countryside Act 1981, as amended.*
- 4.27 *Where development which would be likely to affect protected species is permitted, the developer will normally be required to safeguard as far as possible the threatened animals or plants.*

## ENHANCEMENT OF NATURE CONSERVATION

**POLICY NC7**

**PROPOSALS FOR DEVELOPMENT SHOULD, WHERE APPROPRIATE, INTRODUCE NEW HABITATS WHICH WOULD ENHANCE THE NATURAL INTEREST OF THE DISTRICT AND BE IN ACCORDANCE WITH POLICY IMP3.**

**Justification**

4.28

*It is recognised that nature conservation is not simply a matter of controlling development. Positive measures are required, primarily the sensitive management of land. Enhancement of existing features of wildlife interest, such as ponds and hedgerows which have been degraded can often be accomplished quickly and with little effort, resulting in significant improvements to overall environmental quality. Derelict and/or damaged land in towns and villages can benefit from this approach, and considerable potential also exists in the agricultural sector, where much progress has already been made in recent years involving small-scale tree planting schemes and farm pond creation. Recent Government incentives to farmers for alternative use of agricultural land is resulting in many new opportunities. The establishment of Local Nature Reserves clearly identifies an areas importance to wildlife and the community, and ensures continuity of management.*