

How can the Parish Council help to safeguard its environment and community?

The Parish/Town Council can help, when responding to consultations about development proposals (whether initiated by the developer or by the LPA), by:

- Seeking to ensure that views from PROWs are unharmed and, where possible, enhanced;
- Looking for opportunities to improve the surface of PROWs and other paths (without introducing inappropriate materials⁴), to encourage access, including for disabled users; also encouraging gates instead of stiles, and using information (leaflets, signs, web) to promote tourism and health; Encouraging proposals that provide new footpaths and especially horse-riding routes and cycle paths;
- Encouraging proposals that will improve links between public transport routes, notably bus stops, and sites of nature conservation interest with public access;
- Encouraging development that includes new or enhanced access to open land; and
- Discouraging increased public access where this will conflict with the conservation and restoration of designated wildlife sites.

In the longer term, the Parish Council could ensure that it is ready to respond fully and constructively by:

- As part of a Green Infrastructure Plan, creating an aspirational access plan;
- Setting up a P3 (Parish Paths Partnership⁵) group; and
- Understanding which businesses locally rely on good footpath and bridleway access – e.g. B+Bs for walkers, riding stables for bridleways.

Contact Details

Any matters associated with Rights of Way and planning can be discussed with Kate Nore in the Outdoor Partnerships Team at Shropshire Council.

Email: kate.nore@shropshire.gov.uk

Telephone: 01743 255063

⁴ Any proposals to change the surface of a PROW should be discussed with the Outdoor Partnerships Team at Shropshire Council. Email: kate.nore@shropshire.gov.uk Tel: 01743 255063

⁵ For further information about P3 see www.shropshiresgreatoutdoors.co.uk/volunteering-outdoors/parish-paths-partnership-and-wardens/

PLANNING ADVICE NOTE – ACCESS

March 2017

Introduction

The purpose of this and other Advice Notes in the series is to help Parish Councils to respond to development proposals constructively with the aim of maximising the environmental benefits while minimising or, ideally, avoiding harm. Not all development proposals are acceptable even with amendments, though many can be made acceptable and more beneficial. Please see *About our Planning Advice Notes* for the origins and extent of the Nature Improvement Area, why it is important, and why it is vulnerable.

Legal Duty

Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its Biodiversity 2020 strategy. Local planning authorities are urged by Government to take a pragmatic approach: fulfilling statutory obligations in a way that minimises delays and burdens.

The importance of public access

One of the defining characteristics of NIAs generally is that there are opportunities to inspire people through an enhanced experience of the natural environment. These can be benefits from the environment or from the landscape, sometimes known as ecosystem services. This can be achieved by a combination of open access, such as that introduced by the Countryside and Rights of Way Act 2000, special events and the path network: public rights of way and permissive routes. Improving the existing path network has been a priority in this NIA. By the end of Year 3, some 14.86 km of new public rights of way (PROW) had been created in the MMNIA, more than 60 per cent of the total for all NIAs. A further 30 km of PROW had benefited from improved accessibility.

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By the end of Year 3, some 14.86 km of new public rights of way had been created in the Meres & Mosses NIA, more than 60 per cent of the total for all NIAs. A further 30 km had benefited from improved accessibility.



Meres and Mosses Landscape partnership Scheme
and Nature improvement Area
c/o Shropshire Wildlife Trust,
193 Abbey Foregate, Shrewsbury, SY2 6AH
Tel 01743 284 280



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National Planning Policy Framework

The National Planning Policy Framework (NPPF) introduced in 2012 sets out the Government's planning policies for England. The NPPF is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution. Many of the Meres and Mosses are designated as SSSI and paragraph 118 of NPPF states that development likely to have an adverse effect on such sites should not normally be permitted. This applies not only to proposals within a SSSI but to those outside which might have an adverse effect as well as any applications that might cause harm when considered in combination with other developments. Exceptions can only be made when the benefits of the development affecting the SSSI clearly outweigh both the impact it is likely to have on the features that make the SSSI special and any broader impacts on the national network of SSSIs.

National Planning Practice Guidance

The Government's online Practice Guidance¹ (NPPG) supports the NPPF. It explains key issues in implementing national policy to protect biodiversity. The natural environment section contains information on landscape, biodiversity, ancient woodland and veteran trees, geodiversity, local ecological networks, and green infrastructure. Paragraphs 16 -20 give guidance on taking biodiversity into account when preparing a planning application. Development proposals will be expected to follow NPPG and it is a useful source of information for those commenting on planning applications.

At the time of writing (March 2017), updated guidance on the law affecting European sites, protected species and Sites of Special Scientific Interest is being prepared by Defra and will replace the advice set out in *Circular 06/05: biodiversity and geological conservation*.

The Shropshire Core Strategy protects the visual, ecological, geological, heritage or recreational values of natural, built and historic environment assets and seeks to prevent development that would create barriers or sever links between them.

The Shropshire Local Plan²

The Local Plan comprises the Core Strategy (adopted 2011), the Site Allocations and Management of Development (SAMDev) document (adopted 2015), and the Neighbourhood Plan for the area (if applicable). Policies in the Core Strategy set out the general approach to development in Shropshire whilst the policies in SAMDev are more specific, adding more detail. Both documents are used by Shropshire Council when determining planning applications.

The principle behind the Local Plan is that development will be strictly controlled outside Shrewsbury, the Market Towns and Key Centres and Community Hubs and Clusters (Core Strategy policies CS1-5).

The following policies cover the design of development and the protection and enhancement of the natural and historic environment:

- Core Strategy CS6 (Sustainable Design and Development Principles) and SAMDev MD2 (Sustainable Design). High quality design that respects its setting, surroundings and local character is the principle behind these policies. The supporting text to CS6 (para 4.85) also states that all new development will be required to make provision for footpaths and cycle-paths, which should be linked where possible to the existing network of cycle-paths and footpaths.
- Core Strategy CS17 (Environmental Networks) protects the visual, ecological, geological, heritage or recreational values of natural, built and historic environment assets and seeks to prevent development that would create barriers or sever links between them.
- SAMDev MD12 (Natural Environment) is important; see below for details.
- SAMDev MD13 (Historic Environment) states that proposals likely to affect the significance of designated or non-designated heritage assets, including their setting, are accompanied by a Heritage Assessment.

Policies CS17 and MD12 are likely to be the most relevant when considering planning applications affecting non-statutory natural assets i.e. not SACs, Ramsar sites or SSSIs) in the Meres and Mosses area. In particular, MD12 provides protection for natural asset³. Proposals likely to have a significant adverse effect on any of these assets will only be permitted if:

a) there is no satisfactory alternative means of avoiding such impacts; and

b) the social or economic benefits of the proposal outweigh the harm to the assets

If a development proposal can clearly show that it meets these criteria, then mitigation and compensation measures will be expected. The final paragraph of MD12 supports development which contributes positively to the special characteristics and distinctiveness of NIAs.

Other relevant Local Plan policies are:

- Core Strategy CS7 (Communications and Transport), which protects and enhances strategic and local cycling, footpath, bridleway and canal networks as local transport routes and for recreation and leisure uses.
- Core Strategy CS16 (Tourism, Culture and Leisure), which supports development that promotes opportunities for accessing, understanding and engaging with... assets... including Meres and Mosses.
- SAMDev MD11 (Tourism facilities and visitor accommodation). This permits tourism, leisure and recreation development that requires a countryside location where the proposal complements the character and qualities of the site's immediate surroundings and complies with the requirements of other Local Plan policies (particularly CS5, CS16, MD7b, MD12 and MD13) as well as NPPF and NPPG.

¹ www.gov.uk/guidance/natural-environment#local-ecological-networks

² For applications in Cheshire, see our supplementary sheet: Planning Policies in Cheshire

³ 'Natural assets' are defined as locally designated biodiversity and geological sites; priority species; priority habitats; important woodlands, trees and hedges; ecological networks; geological assets; visual amenity; and landscape character.