

**Report of the Director of City Strategy**

**A Review of the Sites of Importance for Nature Conservation Procedures for the City of York.**

**1.0 Summary**

- 1.1 The Council's criteria for the designation of Sites of Importance for Nature Conservation (SINC's) and the procedures used to identify and ratify such sites are no longer sufficient for present day needs and are in need of updating.
- 1.2 This report considers the status of the Council's Sites of Importance for Nature Conservation and the procedures for designating them in the light of Planning Policy Statement 9 (PPS9) on Biodiversity and Geological Conservation, the new guidance from Dept of Environment, Food and Rural Affairs (DEFRA) and the Local Development Framework (LDF) process.
- 1.3 It recommends that the Council adopt the 'Guidelines for the Selection of Sites of Importance for Nature Conservation in North Yorkshire' as devised by North Yorkshire SINC Panel and work with the Panel in the review of the criteria such that they take account of the new guidance and any special requirements for urban areas within North Yorkshire based on the York experience.
- 1.4 It also recommends that the Council
  - i) utilise the ecological expertise of the North Yorkshire SINC Panel in assessing and recommending SINC's for designation in York,
  - ii) establish a York SINC Partnership made up of members of the Council, local individuals and local organisations to review thresholds and criteria such that they take account of the new guidance and any special requirements for the City of York and put forward sites for consideration as SINC's for inclusion within the Local Development Framework,
  - iii) retain the right for ratification for sites proposed for designation.

**2.0 Background**

- 2.1 Nature conservation is an increasingly important element of sustainable development and the planning process. The continuing losses that have occurred are now considered unacceptable and action needs to be taken to

halt or reverse this decline. As a result a new Planning Policy Statement, PPS9, relating to Biodiversity was introduced in July 05.

- 2.2 It was a duty within the local plans process to identify any areas that were considered to be of outstanding wildlife interest on a local or regional level, over and above those sites identified as being of national interest (Sites of Special Scientific Interest - SSSI). This duty is continued in the Local Development Framework process and strengthened under PPS9.
- 2.3 The changeover to the Local Development Framework format potentially enables the SINC list to be amended at any time, a distinct advantage over the Local Plan system which could only be done as part of a Review but it does require a more comprehensive database on which to base the list and needs a separate designation system to be put in place.
- 2.4 In July 2006, DEFRA produced new guidelines for the selection and designation of local sites These guidelines made recommendations on how local wildlife (SINC) sites should be selected, and what procedures should be involved in their designation.
- 2.5 In Aug 2007, the Natural Environment and Rural Communities (NERC) Act 2007 came into force. This laid a duty on all Local Authorities (and other statutory bodies) to have due regard to nature conservation in all its functions.
- 2.6 In Dec 2007, the revised list of Local Authority Indicator Targets was announced. This includes a Biodiversity Target linked to the number of local (SINC) sites in active management.
- 2.7 SINC's are required not only to enable the authority to take account of wildlife and so help fulfil, in part, its duties under the NERC Act 2007, but also to enable developers to be aware of areas that are known to have additional considerations over and above those that would ordinarily be applied.
- 2.8 Site selection, however, is a three stage process.
  - i. Data collection
  - ii. Assessment
  - iii. Ratification of Selected Sites

#### **Data Collection**

- 2.9 In PPS9, one of the key principles is the need for good, up to date information. The LDF process reinforces this need and a robust evidence base is a prerequisite for establishing the new framework and it passing the 'test of soundness'.
- 2.10 In York, a review of SINC sites has not been carried out since 1994. This, coupled with the discovery of a number of new sites, suggested that the present list was drastically in need of updating.

2.11 As a result the Council has initiated a review and further survey work to ensure that the data available is of an acceptable standard. The findings of this work should be available in Autumn 2008.

### **SINC Assessment - Criteria**

2.12 The present system is based on The Habitats Report produced by the Council in 1996. This is based on a subjective assessment of those habitats considered to be rare or declining in York. As an example, it states, that any example of a species rich neutral grassland will be considered as a SINC. Whilst this used to be an accepted practice, based on the knowledge and experience of the designating body, there is no definition given as to what a species rich meadow is or how you assess species richness. This leaves the system open to criticism and rebuttal and could seriously undermine the Council's ability to protect its SINC sites.

2.13 This is especially important today in a city such as York, where the pressures on land suitable for development are increasing and people's expectations and knowledge of the planning process has increased. It is therefore necessary that designations affecting land and the criteria used to develop them are clear, robust and defensible.

2.14 The new DEFRA guidelines recommend that designations should be criteria based and it indicates those likely to be considered of value. They include a range of criteria based on the natural features present within the site including biodiversity, geological diversity, naturalness, rarity and its value for research etc plus more social factors such the opportunity for the public to have contact with and enjoyment of nature and its potential as a learning resource.

2.15 These are wider reaching than previously considered, including as they do both social and educational factors, in addition to purely ecological ones.

2.16 In addition, the criteria used should reflect the Natural Area in which they are set rather than a local authority administrative area. The Natural Area concept was devised by English Nature and the Countryside Commission to reflect areas of the British countryside of a similar character, rather than the anthropogenic boundaries established for local authorities. York is within the Vale of York Natural Area.

2.17 This concept is important as it implies that authorities within or containing the same character area should have similar criteria for that area.

2.18 With regard to the criteria themselves, these should have threshold limits that are both measurable and based on knowledge of what local resource is available.

2.19 At the present time therefore the criteria used by York, based as it is effectively on an experienced individuals subjective assessment of what is both rich and of interest, lacks clarity, does not comply with current guidance and is insufficient for present day needs.

- 2.20 Within North Yorkshire, there is an existing system that has been developed over a period of 10yrs by a partnership of all of the local authorities in North Yorkshire. This is based on an extensive set of threshold based criteria prepared by local ecologists and naturalists and revised over a number of years. This partnership reviews data concerning individual sites and tests them against the criteria and then recommends to the relevant local authority whether they fulfil the requirements for designation. It is then up to the Local Authority whether the site is so designated but it is on the understanding that any site that does not fulfil the requirements but is still designated would not be defended by the partnership at an Inquiry. Likewise, any site that does fulfil the requirements and is not designated risks challenge.
- 2.21 This system, established as it is by naturalists who are knowledgeable about the regional area and therefore takes account of local variations, has been tested across the County both through the Local Plan Process and at Inquiry and has proved very robust. It is also used as Best Practice across the country by other authorities and East Yorkshire are currently adapting it to formulate their new site system. In addition, both the North York Moors and the Dales National Parks have asked if they can join the SINC Partnership as they to grapple with the LDF process.

### **SINC Ratification**

- 2.22 Presently, the Council's SINC designation procedures have been implemented in house with no formal involvement of the public or individuals either in identifying or proposing sites. Designation itself has been carried out through the Local Plan process. Thus any sites considered for SINC status are included within the Local Plan and its revisions and adopted through the adoption of the Local Plan. Sites are therefore consulted on and tested at Public Inquiry.
- 2.23 Whilst being reasonably robust, this did have the disadvantage of leaving sites found between plan revisions with a lesser degree of protection and meant that prospective developers were not always aware of potential constraints.
- 2.24 It also meant that, as sites were only identified by the local authority and notified through local plans, opportunities for local community involvement in putting forward or commenting on the SINC system were limited and prevented the extensive body of knowledge available in the community being available.
- 2.25 The changeover to the Local Development Framework format requires a more comprehensive database on which to base the list and a separate and more community orientated designation system to be in place.
- 2.26 The new DEFRA guidance recommends that in order to accommodate greater community involvement, a SINC or Local Sites Partnership is established. This partnership should, with the support and encouragement of the Local Authority, include a representative cross section of the Community and, in particular, those individuals and organisations that have an interest in biodiversity. This should not only involve statutory agencies, national conservation organisations

and local groups but also private individuals, members of the farming and landowning community, local industry, developers and the voluntary sector.

- 2.27 In addition there is also a need to incorporate social and educational criteria into the designation process, linking it to open greenspace, as recommended in both PPS9 and PPS17 on Open Space
- 2.28 This is a considerable change from the existing situation for many authorities who have tended to work on a relatively autonomous basis. This is because the designation of sites has always been considered on a relatively 'scientific' basis whereby, irrespective of ownership or land use designation, if a site fulfils established biological criteria, then it should be designated. This is akin to the national process for the of designation for Sites of Special Scientific interest. Social criteria have largely not been included because they were not previously considered an 'ecological' criteria.

### **3.0 Consultation**

- 3.1 Informal discussion has already taken place with various individuals and organisations with regard to SINC designation process in order to ensure that any proposals approved have a consensus within the nature conservation community.

### **4.0 Options**

- 4.1 There are two essential factors that the Council require to resolve with regard to the SINC designation process. The first is the review of the criteria necessary to designate a SINC. The second are the procedures by which SINC's are designated.
- 4.2 With regard to criteria there are considered to be three options available to the Council.
- i. Do nothing and remain with the existing system.
  - ii. Start afresh and establish our own criteria.
  - iii. Adopt an existing established and proven system.
- 4.3 With regard to the procedural basis of SINC designation and the recommendation by DEFRA of the establishment of a SINC (Local Sites) Partnership. There are considered to be five options open to the Council
- i. Not establish a Partnership but simply utilise any criteria established above to review and designate sites ourselves, much as we do now.
  - ii. Use an established Panel such as the North Yorkshire SINC Panel alone as the site assessment panel.
  - iii. Utilise one of the existing Environmental Fora within York to act as the SINC or Local Sites Panel

- iv. Establish a new group with the relevant range of expertise.
- v. A combination of two or more of the above if no single group can offer the range of expertise necessary.

## **5.0 Analysis**

### **SINC Assessment - Criteria**

- 5.1 With regard to the first option of retaining the existing subjective criteria this would have the advantage of requiring no change but it is dependent on having experienced individuals in post. It also does not fulfil any of the recent guidance from DEFRA, the LDF or PPS9. It would therefore mean that not only would we be open to challenge at an enquiry but the LDF would risk being considered unsound.
- 5.2 With regard to the second option of devising our own criteria, this would require the use of a Consultancy in order to establish these criteria based on our own, relatively limited data. This would then need to go out to consultation and peer review.
- 5.3 It would therefore have the disadvantages of being very time consuming, financially onerous and leave any such system open to challenge, particularly in the early years of development. It would also not be ready in time to be incorporated into the LDF process and would again risk the soundness of the LDF Core Strategy.
- 5.4 It is likely that any criteria established would be similar to those already being used elsewhere.
- 5.5 There seems little value therefore in adopting either option 1 or option 2.
- 5.6 The third option, that of adopting an existing established and proven system would appear to be the best option available. There are a number of systems in use in various parts of the country, based on local ecological criteria but the most relevant to York is the North Yorkshire system which covers all of the surrounding Authority areas.
- 5.7 This system has been developed over a period of 10yrs and is threshold based as recommended. It has been established by naturalists who are knowledgeable about the local area and therefore has taken account of local variations. It has been tested across the County both through the Local Plan Process and at Inquiry and has proved very robust.
- 5.8 Because the system is effectively County wide, covering a whole range of habitats and situations, including Selby, Harrogate and Ryedale, all of whom border onto York's boundaries, and fall within the Vale of York Natural Area, it is considered that the criteria will be equally valid for York. There will be some habitats that are not relevant to York but this is the same as for any of the other authorities and does not affect the overall relevance of the system to York.

- 5.9 One of the strengths of the system is that it is under constant review as more information on local areas becomes available. At the present time it also now needs to consider the new DEFRA Guidance. Any such review though is able to call on the expertise of a whole range of individuals with local expertise and will therefore be more robust and cost effective than a review undertaken by any single authority.
- 5.10 Outline discussions have taken place with the SINC Panel and they would welcome the City of York joining the Partnership. They consider that it would strengthen the overall value of the Guidance throughout the County and enable the expertise of the City of York Council to be utilised in reviewing the guidelines, particularly within an urban context.
- 5.11 This latter point is particularly relevant with regard to the establishment of social criteria within the guidelines, which are presently not considered at all.
- 5.12 It is therefore proposed that the City of York Council formally approach the North Yorkshire SINC Partnership with a view to adopting the North Yorkshire Guidelines and utilise the expertise of the panel. This partnership approach across natural and administrative areas is another of the principles recommended by the DEFRA Guidance.
- 5.13 There is a financial implication with regard to this proposal as the Partnership is administered by the North Yorkshire County Council and considerable expenditure has gone in to establishing the guidelines. These financial implications are considered in Section 7.0.
- 5.14 Essentially this would enable the City of York Council to utilise the existing expertise and process established over many years that we would otherwise need to buy in independently at much greater cost.

### **SINC Designation Procedures**

- 5.15 The present system based as it is on the Council effectively acting autonomously in the selection and designation of SINC's does not follow any of the new guidelines for community involvement within the SINC and LDF process and allows only very limited opportunities to tap into the knowledge and resources within the public realm. Its retention would also risk the test of soundness for the LDF process. As an option therefore it is not considered appropriate to retain.
- 5.16 In adopting the North Yorkshire SINC Criteria, the Council could also request that the SINC Panel also act for York as their local sites partnership group. This is a feasible alternative and would, at least on an ecological level, fulfil the recent guidance. It would though still only have a marginal local community involvement. Also the North Yorkshire SINC Panel would not have the expertise to consider any social criteria at a local level within York. This to is therefore not considered a viable option.
- 5.17 Alternatively, the Council could utilise one of the existing Environmental Fora within York to also deal with SINC Designation. There are already a number of

such groups in York, including the York Natural Environment Trust (YNET), The York Natural Environment Panel (YNEP) and the Environment Forum, as well as the more recently created York Environment Partnership.

- 5.18 YNET is a small voluntary organisation set up to look after areas of conservation interest within York whilst YNEP's role is for specific planning consultation. These are not considered to have a sufficiently broad membership base or the constitution to take on the role of a SINC Partnership. The Environment Forum on the other hand, whilst having a broad membership with the ability to co-opt in others as required, does perhaps have too wide a remit with many individuals with only limited interest/passing involvement in the natural environment. The York Environment Partnership, on the other hand, has been set up specifically to take a strategic role. It would appear therefore that none of the existing groups could easily accommodate the needs of a partnership set up to consider wildlife sites. In particular, they do not all have sufficient ecological expertise on a regional basis although they do have a very wide local knowledge, especially with regard to social factors.
- 5.19 This is in contrast to the North Yorkshire SINC panel who have the regional expertise but not the local social knowledge.
- 5.20 As outlined above, neither the North Yorkshire SINC Panel or the existing Fora within York are, individually considered to have the range of expertise to enable them to take on the role of a SINC Partnership.
- 5.21 It would appear therefore that a new group needs to be established with the relevant range of expertise and local knowledge. Any single group though may be difficult to establish within York.
- 5.22 The scientific basis for designation is still present and even strengthened within the new guidance, thus the need for the involvement of the North Yorkshire SINC panel is still recommended in some form because they have the expertise on a regional level to assess sites. They do not though feel able to take on the establishment and evaluation of local social and educational criteria.
- 5.23 Criteria for such factors have not yet been established in the North Yorkshire Guidelines and are often subjective and difficult to quantify, requiring as they do considerable local public knowledge and support. This knowledge can only be provided in a York context.
- 5.24 A partnership made up of local individuals and organisations would though be able to do this. It is therefore proposed that a new system be established with the North Yorkshire SINC panel providing the regional expertise on the 'ecological' criteria of SINC designation using the North Yorkshire SINC Guidelines and with a new York Partnership providing the local social assessment.
- 5.25 Such a group would be able to put forward sites for inclusion as SINC's. Sites would be surveyed and the information put before the North Yorkshire SINC



Panel to see if they fulfil the established regional wildlife criteria. The result would then be passed back to the York group for consideration at a local level.

- 5.26 Consideration at this level would enable their local expertise and contacts on both wildlife and social value to be utilised. Such a partnership will need to establish criteria to accommodate the social and educational functions which are currently outside the remit of the North Yorkshire SINC Panel criteria. It may be necessary for the Council also to consider any of the social criteria established by such a local partnership to ensure they fit into the LDF Framework.
- 5.27 Such criteria could then be applied to any site data and incorporated into the results from the SINC Panel to allow a more inclusive range of SINC/Local sites to be established for York.
- 5.28 The York SINC Group would then put forward those sites considered suitable to the Council for ratification and inclusion on the SINC list within the Local Development Framework.
- 5.29 This combination of establishing a new York SINC Partnership linking with the existing North Yorkshire SINC Group is considered the most appropriate option to take forward using as it does both existing good practice and expertise and establishing new consultation processes that would fulfil the guidance recommended by DEFRA, the LDF process and PPS9.
- 5.30 In addition to the SINC work, there will also shortly be a requirement to set up a further group, the Biodiversity Action Plan Forum, to further the Biodiversity Action Plan (BAP) currently being redrafted. This again is a recommendation from national guidance with regard to the BAP process. As both the BAP and the Local Sites designations are interlinked and utilise the expertise of the same people, it is possible that the York SINC Partnership could, if established, be expanded in the future to provide a single Biodiversity and Local Sites group.

## **Synopsis**

- 5.31 The Council's procedures used to identify and designate SINC's are no longer relevant to the Local Development Framework process and do not take account of the new DEFRA guidance.
- 5.32 The Council is currently undertaking survey work to identify new sites of wildlife value in York and enable the re-assessment of existing SINC's in York. This should be available in Autumn 2008.
- 5.33 There will be a need to have in place a robust system to accommodate important wildlife sites as part of the Local Development Framework Core Strategy?
- 5.34 There is a criteria based system already in use in North Yorkshire that is robust and deals with many of the shortfalls of present York's system. These are 'The Criteria for the Designation of Sites of Importance for Nature Conservation in

North Yorkshire' These criteria have been developed by The North Yorkshire SINC Panel who manage the system.

- 5.35 This Panel is made up of eminent local naturalists and representatives from local authorities within North Yorkshire and is administered by North Yorkshire County Council.
- 5.36 All Local Authorities within North Yorkshire utilise this Panel to provide both the basis of their Wildlife Site system and to assist in the event of a public inquiry.
- 5.37 At present neither City of York Council or the two national parks make use of the system. City of York because it has used its own system and the national parks because it was previously not considered necessary. However, the both National Parks are now considering joining the Panel because of the revised guidelines and duties now recommended.
- 5.38 It is proposed that City of York also utilise the North Yorkshire SINC Panel in order to be able to take advantage of
- i. an already established, successful and well tried system and
  - ii. a group of naturalists and individuals with regional and local expertise.
- 5.39 This has the advantage that we would immediately be able to have an up to date system that in part fulfils the recommendations set out in the DEFRA Wildlife Sites guidance and would strengthen not only our own wildlife policies but that of the County as a whole.
- 5.40 This will substantially reduce the cost in time and resources needed to develop our own criteria based system and provide part of the designation process for the Local Development Framework.
- 5.41 In order to fully comply with the new guidance, however, there is still the need to take account of more local value, particularly social and educational requirements that also feed into the Green Infrastructure Plan necessary as part of the LDF.
- 5.42 It is therefore proposed to establish a local group comprising representatives from existing environmental groups in York, the farming and landowning community, industry and primary stakeholders etc. (See Appendix 1). This group would put forward sites to the North Yorkshire SINC Panel for assessment and link this to locally established criteria to accommodate social and educational needs in York. They will then recommend sites to the Council for inclusion within the Local Development Framework for ratification.
- 5.43 It is also suggested that this group could, in the future, take on responsibility for furthering the Local Biodiversity Action Plan currently being redrafted.

## **6.0 Corporate Priorities**

- 6.1 The Council have a duty under the NERC Act 2007 to further the cause of nature conservation in all its functions.

- 6.2 These proposals in part assist with the Council's Direction Statement 'We will seek to place environmental sustainability at the heart of everything we' do and forms part of the Council's Corporate imperative to implement the LDF.
- 6.3 It is driven by 'encouraging improvement in everything we do'.
- 6.4 It also fulfils national guidance for Wildlife Sites and the Biodiversity Action Plan that in turn forms part of the Corporate Strategy.

## **7.0 Implications**

### **Financial implications**

- 7.1 At present, the Council's site system, such as it is, is run in-house within existing budgets. Because of the need to update our system and procedures in line with new guidance, there will be a need for further resources to cover this.
- 7.2 The current North Yorkshire criteria are the intellectual property of the SINC Panel and the Panel is administered by the North Yorkshire County Council. The County also provided the initial impetus and resources to establish the SINC Panel and the Criteria.
- 7.3 Whilst, very happy to include the City of York within the North Yorkshire Panel, they do consider that the Council should contribute to this past work and to the current administration of the group and have suggested a contribution of £1500/yr.
- 7.4 This would include
  - i. the secretarial and administrative costs of the group
  - ii. payment for attendance of various private SINC Panel members (consultants).
  - iii. use of the Guidance and costs incurred to review the Guidance. Eg specialist consultant costs.
  - iv. Transfer of existing data to an updated format.
  - v. Limited site survey assessment.
- 7.5 These core functions currently cost £7500/yr. as the County Council's core contribution.
- 7.6 North Yorkshire County Council also fund management of the system through a service level agreement with the North and East Yorkshire Ecological Data Centre (NEYEDC) and for site survey work to which some local authorities within North Yorkshire make a contribution. These costs do not form part of the above core funding as City of York Council already have a service level agreement with NEYEDC to provide information and maintain existing records and survey work is currently being funded through the Countryside Management Budget and through the LDF process. There is therefore no

additional cost requirement at present for this element of Site System management.

- 7.7 However, there will be additional expenditure in the future in order to monitor the site network and carry out additional survey as new sites are found or additional information is required, although no costs are currently available.
- 7.8 There are also likely to be increased costs in future with regard to management of SINC sites. This is coming about in part as a result of the new NERC Act and in part as a result of the new Biodiversity Indicator target that is included within the revised local authority targets from Central Government. This effectively encourages Local Authorities to become actively involved in promoting effective management of SINC sites. The initial monitoring of this is proposed for 2009.
- 7.9 At present some management work is already being undertaken through the Council's Countryside Management budget.
- 7.10 Other costs will be incurred through the establishment of the new SINC (Local Sites) group proposed above. These will include the need for secretarial back up, the provision of venues and possibly some specialist consultant and attendance fees.
- 7.11 At this stage, it is considered that these can be provided in house within existing countryside and DCSD budgets.
- 7.12 Overall, it is considered that an additional £1500 is required from the Council as a contribution to the North Yorkshire SINC Panel. The Council's Countryside budget already pays a service level agreement to maintain data for planning consideration, as well as part funding survey work and site management, despite constraints in recent years and would administer any new SINC Site Group. It is though not considered possible to accommodate this additional cost within the existing budget. As the primary function of the work is to assist in the development of the Local Development Framework, it has been agreed that it be accommodated within this budget head.

### **Equality implications**

- 7.13 There are no Equality implications.

### **Human Resources Implications**

- 7.14 There are no Human Resources implications other than the need to administer the group. This will be carried out within the Design, Conservation and Sustainable Resource section.

### **Other Implications**

- 7.15 There are no property, legal, Crime and Disorder or IT Implications with regard to this report.

## Risk Management

7.16 There are no known risks with regard to the implementation of the proposals.

## 8.0 Recommendations

8.1 Members are asked to approve the new procedures for SINC's as set out in this report including :

- i. The adoption of the 'The Guidelines for the Selection of Sites of Importance for Nature Conservation in North Yorkshire' as the basis for designation of wildlife sites within York.
- ii. The establishment of a SINC (Local Sites) Group for York.
- iii. The partnership with the North Yorkshire SINC Panel
- iv. The contribution of £1500/ yr to the North Yorkshire County Council to use the Guidelines and support the partnership with the North Yorkshire SINC Panel.

Reason: This is recommended in order that the Council complies with new national guidance on the establishment and running of a SINC (Local Sites) system and ensures that it has robust procedures to fulfil its duties under the NERC Act and the LDF process.

## Contact Details

### Author:

**Author's name** : Bob Missin  
**Title** : Countryside Officer  
**Dept Name** : DCSD  
Tel No.1662

### Chief Officer Responsible for the report:

**Chief Officer's name** : Michael Slater  
**Title** : Assistant Director of Planning and Sustainable Development

**Report Approved**

**Date** 12 March 08

## Specialist Implications Officer(s)

### Financial

Name Patrick Looker  
Title Finance Manger  
Tel No. 1633

**Wards Affected:** List wards or tick box to indicate all

**All**

**For further information please contact the author of the report**

**Background Papers:**

1. The Guidelines for the Selection of Sites of Importance for Nature Conservation in North Yorkshire.
2. Local Sites - Guidance on their Identification, Selection and Management  
DEFRA PB11684 - Published Feb 2006
3. Planning Policy Statement 9 Biodiversity and Geological Diversity  
ODPM - Published July 2006
4. The NERC Act 2007 – Aug 2007