



# Planning Policy Statement 2 Natural Heritage

**July 2013**





Department of the  
**Environment**  
[www.doeni.gov.uk](http://www.doeni.gov.uk)

## **Planning Policy Statement 2 'Natural Heritage'**

Planning Policy Statements (PPSs) set out the policies of the Department of the Environment (the Department) on particular aspects of land-use planning and apply to the whole of Northern Ireland. Their contents will be taken into account in preparing development plans and are also material to decisions on individual planning applications and appeals.

This Planning Policy Statement, PPS 2, sets out the Department's planning policies for the conservation, protection and enhancement of our natural heritage. For the purpose of this Planning Policy Statement, natural heritage is defined as "the diversity of our habitats, species, landscapes and earth science features".

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## Preamble

The Department has a statutory duty, laid down in Article 3 of the Planning (Northern Ireland) Order 1991, to formulate and co-ordinate policy for securing the orderly and consistent development of land and for the planning of that development.

The Department is required to ensure that such policy is in general conformity with the Regional Development Strategy.

The Department's planning policies are normally issued through Planning Policy Statements. PPS 1 'General Principles' advises that:

*"Planning Policy Statements set out the policies of the Department on particular aspects of land-use planning and apply to the whole of Northern Ireland. Their contents will be taken into account in preparing development plans and are also material to decisions on individual planning applications and appeals."*

This PPS 2 'Natural Heritage' replaces PPS 2 'Planning and Nature Conservation' (June 1997) and supersedes the following provisions in 'A Planning Strategy for Rural Northern Ireland' (September 1993), insofar as they refer to the protection of our natural heritage:

- **Policy SP 16 Environmental Protection; and**
- **Policy DES 4 Areas of Outstanding Natural Beauty.**

Where these policies are referred to elsewhere in the Planning Strategy the policies of this Statement will take precedence. Future local development plans will take account of this Statement.

The PPS has been subject to an equality impact screening exercise, in line with the statutory obligation in Section 75 of the Northern Ireland Act 1998. The outcome of this exercise indicates that the statement is unlikely to have significant adverse implications for equality of opportunity or for community relations.

Nothing in this document should be read as a commitment that public resources will be provided for any specific project. All proposals for expenditure by the Department are subject to economic appraisal and will also have to be considered having regard to the overall availability of resources.

## 1.0 Introduction

- 1.1 Many areas in Northern Ireland are important for their natural heritage interest. Several of these areas have merited statutory designation and are protected under international (including European), national or local legislation and convention. Certain species and habitats also benefit from legal protection. In developing policy to protect our habitats and wildlife, it is a requirement that our statutory obligations are met.
- 1.2 The European Commission adopted a new strategy to halt the loss of biodiversity and ecosystems services in the EU by 2020.<sup>1</sup> PPS 2 furthers the Northern Ireland Executive's commitment in its Programme for Government to preserve and improve the built and natural environment and halt the loss of biodiversity.<sup>2</sup> In this context, the Northern Ireland Biodiversity Strategy sets out the Executive's goals in safeguarding biodiversity to meet European commitments.<sup>3</sup>
- 1.3 Furthermore, the Executive's Sustainable Development Strategy<sup>4</sup> identifies striking an appropriate balance between the responsible use and protection of natural resources as a priority area for action and in pursuing this identifies "take action to halt biodiversity loss" as a strategic objective. This commitment is further reflected in the Regional Development Strategy (RDS) 2035, launched in March 2012, to sustain and enhance biodiversity.<sup>5</sup>
- 1.4 The value of Ecosystems Services<sup>6</sup> is recognised in the UK National Ecosystems Assessment (UK NEA) in terms of the benefits it provides to society and economic prosperity. The RDS also recognises this when it says "the importance of the environment goes far beyond the immediate benefits it can provide". Likewise, the UK Natural Environment White Paper<sup>7</sup> recognises that a healthy, properly functioning natural environment is the foundation of sustained economic growth, prospering communities and personal wellbeing. This delivers in part the principles of the European Landscape Convention which promotes landscape protection, management and planning, and European co-operation on landscape issues.<sup>8</sup>
- 1.5 As part of wider reform of the planning system<sup>9</sup>, Government, local Councils and the wider public must be aware of their role in enhancing and conserving our natural heritage, recognising it as an asset to society and in promoting

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<sup>1</sup> EU Biodiversity Strategy to 2020, May 2011: [EU Biodiversity Strategy to 2020](#).

<sup>2</sup> Programme for Government 2011-2015 Priority 3: Protecting Our People, the Environment and Creating Safer Communities: [Programme for Government 2011-2015](#).

<sup>3</sup> [Northern Ireland Biodiversity Strategy](#).

<sup>4</sup> 'Everyone's Involved – the Sustainable Development Strategy' OFMDFM, May 2010: [Sustainable Development Strategy](#).

<sup>5</sup> RDS 2035, DRD, March 2012: [The RDS 2035](#) 

<sup>6</sup> UK National Ecosystems Assessment (UK NEA), June 2011: [Synthesis of Key Findings](#)

<sup>7</sup> UK White Paper 'The Natural Choice' DEFRA, June 2011: [The Natural Choice: securing the value of nature](#).

<sup>8</sup> European Landscape Convention (ELC) binding in UK from March 2007: [The European Landscape Convention](#).

<sup>9</sup> Local Government Reform – Consultation on Policy Proposals, November 2010: [Local Government Reform Consultation](#) and Planning Act (Northern Ireland) 2011: [Planning Act \(Northern Ireland\) 2011](#).

sustainable development and wellbeing. This PPS sets out the policy requirements in advance of the forthcoming single 'Strategic Planning Policy Statement' (SPPS).<sup>10</sup>

- 1.6 Under Article 191 of the Lisbon Treaty<sup>11</sup>, environmental policy continues to be based on the precautionary principle<sup>12</sup> which exists in order to protect the environment, where there are threats of serious or irreversible damage. Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources.

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<sup>10</sup> The Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single 'Strategic Planning Policy Statement' (SPPS) which will reflect a new approach to the preparation of regional planning policy.

<sup>11</sup> Treaty on the functioning of the European Union 13 December 2007: [www.lisbon-treaty.org](http://www.lisbon-treaty.org).

<sup>12</sup> The Precautionary Principle is listed in the Rio Declaration as "Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as reasons for postponing cost effective measures to prevent environmental degradation."

## 2.0 Policy Context

### Statutory Framework

#### *International*

- 2.1 The United Kingdom has transposed into UK law the terms of the European Commission (EC) Birds and Habitats Directives<sup>13</sup>, and both the Water Framework and Marine Strategy Framework Directives.<sup>14</sup> It is also a signatory to the Ramsar Convention<sup>15</sup> in relation to the protection of wetlands.
- 2.2 **Special Protection Areas:** The Birds Directive provides for the selection of sites for their importance as areas for breeding, over wintering and migrating birds known as Special Protection Areas (SPAs). The Directive also requires Member States to strive to avoid the deterioration of habitats for wild birds outside designated sites.
- 2.3 **Special Areas of Conservation:** The Habitats Directive requires the protection of certain natural habitats through the designation of Special Areas of Conservation (SACs). It also requires the establishment of a system of strict protection for a list of species (other than birds) whose resting and breeding places and whose habitats must be protected to secure their survival, wherever they occur in the member state's territory.
- 2.4 The protection and management of these European sites and their habitats and species (known collectively as 'Natura 2000' sites) is transposed under the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) ["the Habitats Regulations"].
- 2.5 Regulation 3(3) of the Habitats Regulations requires all competent authorities (including Planning Authorities), in the exercise of functions generally, to have regard to the requirements of the Habitats and Birds Directive.
- 2.6 **Ramsar sites** are wetlands listed under the Ramsar Convention to protect those of international importance. It requires signatories to formulate and implement their planning for the conservation and wise use of wetlands and their resources. As a matter of policy, the UK Government has chosen to apply the procedures under the Habitats Regulations in respect of Ramsar sites. This position is the stated policy within this PPS.
- 2.7 The **Water Framework Directive** is transposed into law through the Water Environment (Water Framework Directive) Regulations (Northern Ireland)

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<sup>13</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30<sup>th</sup> November 2009 on the conservation of wild birds and Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora of 21<sup>st</sup> May 1992: [The Birds Directive](#) and [The Habitats Directive](#).

<sup>14</sup> Directive 2000/60/EC A framework for Community action in the field of water policy; and Directive 2008/56/EC [Marine Strategy Framework Directive](#)

<sup>15</sup> Convention on Wetlands of international importance especially as waterfowl habitat Ramsar, Iran 2/2/71 as amended by the Paris Protocol 3/12/92 and the Regina amendments adopted at the extraordinary conference of contracting parties at Regina, Saskatchewan, Canada between 28/5 and 3/6/87: [The Ramsar Convention on Wetlands](#).

2003 (Statutory Rule 2003 No. 544). The aim of the Water Framework Directive is to establish a framework for the protection of all surface waters and groundwater with the aim to reach good ecological and chemical status in all waters as a rule by 2015. Both the Habitats and Birds Directives and the Water Framework Directive aim at ensuring healthy aquatic ecosystems while at the same time ensuring a balance between water/nature protection and the sustainable use of nature's natural resources.

- 2.8 In addition, the measures implemented under the **Marine Strategy Framework Directive** through the Marine Policy Statement (MPS)<sup>16</sup> adopted in March 2011 (under the Marine and Coastal Access Act 2009) can make an important contribution to achieving the wider objectives of the Habitats and Birds Directives.
- 2.9 **World Heritage Sites** were identified under the UNESCO World Heritage Convention of 1972 which links the concepts of nature conservation and the preservation of cultural properties. The Giant's Causeway is identified on the list for Northern Ireland (out of total of 28 for the UK). This affords it special protection in terms of its status and protection as an area of 'outstanding universal value'.
- 2.10 The **European Landscape Convention**<sup>17</sup> (ELC) promotes the protection, management and planning of landscapes and organises European co-operation on landscape issues. The ELC defines landscape as "an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors". One of the major innovations of the ELC is the definition of "landscape quality objectives", meaning, for a specific landscape, the formulation by the competent authorities of the aspirations of the public with regard to the landscape features of their surroundings.

### *National*

- 2.11 The Wildlife (Northern Ireland) Order 1985 (as amended) ["the Wildlife Order"] prohibits the intentional and reckless killing, taking, injuring or disturbance of all wild birds and of certain animals and any person who knowingly causes or permits this to be done shall be guilty of an offence. It also prohibits the intentional and reckless destruction, uprooting or picking of certain wild plants.
- 2.12 The Wildlife and Natural Environment (NI) Act 2011 in addition places a statutory duty on all public bodies to further the conservation of biodiversity when exercising any functions.
- 2.13 Nature conservation sites selected as European sites under the Birds and Habitats Directives may also be underpinned, either wholly or in part, by sites selected at national level.

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<sup>16</sup> Marine Policy Northern Ireland

<sup>17</sup> The European Landscape Convention

- 2.14 **Areas of Special Scientific Interest** are given legal protection under the Environment (Northern Ireland) Order 2002 (as amended) which provides powers to designate, protect and manage them. These sites are of special interest by reason of their flora, fauna, geological and/or physiographical features and are designated under part IV of the Order.
- 2.15 Under the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985, other statutory designations include:
- **Nature Reserves and National Nature Reserves** – nature reserves can be of national (and sometimes international) importance. They are usually managed by the Department<sup>18</sup> or by agreement with another Department, a District Council or a voluntary conservation body;
  - **Marine Nature Reserves** – inter-tidal or sub-littoral areas designated by the Secretary of State. They are established for the conservation or study of areas of marine flora, fauna, geological or physiographical features of special interest;
  - **Areas of Outstanding Natural Beauty** – designated by the Department primarily for their high landscape quality, wildlife importance and rich cultural and architectural heritage. The Department can also designate a National Park under this legislation.

### *Local*

- 2.16 **Local Nature Reserves and Wildlife Refuges** – Local Nature Reserves can be provided by District Councils for nature conservation under powers conferred to them under the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. They are particularly appropriate for educational, recreational or public information services. The Department can also provide a Wildlife Refuge under the Wildlife Order.
- 2.17 **Trees and Woodland** – Trees can be protected through Tree Preservation Orders (TPO) under the Planning (Trees) Regulations (Northern Ireland) 2003 and the Planning (Amendment) (Northern Ireland) Order 2003. A TPO provides protection for trees considered to be of special value in terms of amenity, history or rarity.<sup>19</sup> It makes it an offence to cut down, top, lop, uproot or wilfully damage or destroy a protected tree, or to permit these actions, without first seeking the Department's consent to do so.
- 2.18 Sustainable forest management, as set out by the Forestry Standard, is a fundamental part of forest policy in the north of Ireland. One of the purposes of the Forestry Act (NI) 2010 is to manage forests to help protect the environment and biodiversity. Unless otherwise exempt, the Forestry Act and associated subordinate legislation, regulates the felling of trees in private woodland.

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<sup>18</sup> [www.doeni.gov.uk/niea](http://www.doeni.gov.uk/niea).

<sup>19</sup> Tree Preservation Orders – A Guide to Protected Trees, DOE, December 2011: [Tree Preservation Orders](#).

## *Other Key Legislation*

- 2.19 **Environmental Impact Assessment (EIA):** Many projects which are likely to affect designated sites will be covered by the EIA Directive, which is transposed into domestic law in Northern Ireland through the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012. These regulations ensure that the likely effects of new development on the environment are fully understood and taken into account before planning permission is given for a proposed development to proceed. As such its purpose is to improve the quality of decision making by identifying potential environmental issues early in the project process.
- 2.20 **Strategic Environmental Assessment (SEA):** European Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment', commonly referred to as the Strategic Environmental Assessment (SEA) Directive, is transposed into Northern Ireland law by the Environmental Assessment of Plans and Programmes Regulations (NI) 2004. The objective of SEA is to provide for a high level of protection of the environment and to contribute to the integration of environmental consideration into the preparation and adoption of plans and programmes with a view to promoting sustainable development.
- 2.21 The common principle of both directives (EIA and SEA) is to ensure that plans, programmes and projects likely to have significant effects on the environment are made subject to an environmental assessment, prior to their approval or authorisation. Consultation with the public is a key feature of environmental assessment procedures.
- 2.22 The **Environmental Liability Directive and Regulations**<sup>20</sup> establish a framework for environmental liability based on the "polluter pays" principle, with a view to preventing and remedying environmental damage.

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<sup>20</sup> The Environmental Liability (Prevention and Remediation) Regulations (Northern Ireland) 2009.

## 3.0 Policy Objectives

3.1 The objectives of this Planning Policy Statement are:

- to seek to further the conservation, enhancement and restoration of the abundance, quality, diversity and distinctiveness of the region's natural heritage;
- to further sustainable development by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, economic and environmental development;
- to assist in meeting international (including European), national and local responsibilities and obligations in the protection and enhancement of the natural heritage;
- to contribute to rural renewal and urban regeneration by ensuring developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment;
- to protect and enhance biodiversity, geodiversity and the environment; and
- to take actions to reduce our carbon footprint and facilitate adaptation to climate change.

3.2 The public interest requires that all development is carried out in a way that would not cause demonstrable harm to interests of acknowledged importance, such as natural heritage.

3.3 In taking decisions, the planning authority<sup>21</sup> should ensure that appropriate weight is attached to designated sites of international, national and local importance; priority and protected species; and to biodiversity and geological interests within the wider environment.

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<sup>21</sup> For the purposes of this policy, the 'planning authority' shall be the Department of the Environment, the Planning Appeals Commission, and following the transfer of planning functions, the Council.

## 4.0 The Role of Development Plans

- 4.1 Within the context provided by the precautionary principle, those responsible for the preparation of development plans should take full account of the implications of proposed land use zonings, locations for development and settlement limits on natural heritage features within or adjoining the plan area.
- 4.2 In addition, plan-makers may seek to protect and integrate certain features of the natural heritage when zoning sites for development through 'key site requirements'. In addition development plans should seek to identify and promote green and blue infrastructure<sup>22</sup> where this will add value to the provision, enhancement and connection of open space and habitats in and around settlements.
- 4.3 Natural heritage features will normally be identified as part of the process of Countryside Assessment carried out in association with plan preparation. Local designations arising from the plan should be identified and policies brought forward for their protection and, where possible their enhancement, such as those for Sites of Local Nature Conservation Importance (SLNCIs). Development plans should also seek to identify and promote the design of ecological networks throughout the plan area which could help reduce the fragmentation and isolation of natural habitats through a strategic approach.
- 4.4 The development plan should consider the natural and cultural components of the landscape and promote opportunities for the enhancement or restoration of degraded landscapes<sup>23</sup>, particularly those affecting communities.
- 4.5 Planning authorities should ensure that potential effects on landscape and natural heritage, including the cumulative effect of development are considered when preparing development plans and policies. With careful planning and design the potential for conflict can be minimised and enhancement of features brought about.

### Strategic Environmental Assessment (SEA)

- 4.6 SEA must be carried out in conjunction with, and parallel to, the development of any plan and integrated with the plan process. Under the provisions of the SEA Directive and the Regulations<sup>24</sup>, an Environmental Report is needed to accompany certain plans or programmes which must be taken into account before adoption of a development plan.

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<sup>22</sup> Green infrastructure such as parks, green spaces and street trees; blue infrastructure such as ponds, streams and lakes (RDS 2035, Strategic Guidance RG11 'Natural Environment').

<sup>23</sup> European Landscape Convention (ELC) binding in UK from March 2007.

<sup>24</sup> The Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 (Statutory Rule 2004 No. 280).

## **Habitat Regulations Assessment**

- 4.7 Under the provisions of the Habitats Regulations<sup>25</sup>, plan-making authorities are required to undertake an Appropriate Assessment for any development plan (or development proposal) which either individually, or in combination with other plans or projects, is likely to significantly affect a European Site.

## **Other Considerations**

- 4.8 Development plans will need to take account of relevant legislation, and have regard to government policies, strategies and guidance which have natural heritage objectives.

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<sup>25</sup> The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).

## **5.0 Planning Policies**

**In exercise of its responsibility for development management in Northern Ireland, the planning authority assesses development proposals against all planning policies and other material considerations that are relevant to it.**

**The planning policies of this Statement must therefore be read together and in conjunction with the relevant contents of development plans; other planning policy publications, including the Regional Development Strategy and must have regard to any strategy designated for the conservation of biodiversity.**

**The following policies set out the main planning considerations a planning authority will take into account in assessing proposals that impact upon our natural heritage both in the countryside and in urban areas.**

**The provisions of these policies will prevail unless there is other overriding policy or material considerations that outweigh them and justify a contrary decision.**

## **Policy NH 1 - European and Ramsar Sites - International**

Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:

- a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or
- a listed or proposed Ramsar Site

Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the Department shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives. Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.

In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted where:

- there are no alternative solutions; and
- the proposed development is required for imperative reasons of overriding public interest; and
- compensatory measures are agreed and fully secured.<sup>26</sup>

As part of the consideration of exceptional circumstances, where a European or Ramsar site hosts a priority habitat or priority species listed in Annex I or II of the Habitats Directive, a development proposal will only be permitted when:

- it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary importance to the environment; or
- agreed in advance with the European Commission.

5.1 Development proposals are restricted where they are likely to impact upon the integrity of European or Ramsar sites as these are afforded the highest form of statutory protection.

5.2 A list of existing international sites and further information can be found at [www.doeni.gov.uk/niea](http://www.doeni.gov.uk/niea).

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<sup>26</sup> Through conditions or a planning agreement – “legal certainty” as required by ECJ case law.

## **Policy NH 2 - Species Protected by Law**

### **European Protected Species**

**Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.**

**In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:-**

- **there are no alternative solutions; and**
- **it is required for imperative reasons of overriding public interest; and**
- **there is no detriment to the maintenance of the population of the species at a favourable conservation status; and**
- **compensatory measures are agreed and fully secured.**

### **National Protected Species**

**Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.**

**Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.**

- 5.3 It is a criminal offence to harm a statutorily protected species. The presence of species protected by legislation is a material consideration when a planning authority is considering a development proposal that if carried out, would be likely to result in harm to the species or its habitats.
- 5.4 European protected species are listed under Annex IV of the Habitats Directive (transposed under Schedule 2 of the Habitats Regulations) and must be subject to a system of strict protection. Other national protected species are listed under the Wildlife Order under Schedules (1), (5) & (8).
- 5.5 The granting of planning permission does not obviate the holder of ensuring legal compliance with other legislative requirements.
- 5.6 Lists of all protected species of animals and plants can be found at [www.doeni.gov.uk/niea](http://www.doeni.gov.uk/niea). As all fish are protected no lists have been produced.

## **Policy NH 3 - Sites of Nature Conservation Importance - National**

**Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of:**

- **an Area of Special Scientific Interest;**
- **a Nature Reserve;**
- **a National Nature Reserve; or**
- **a Marine Nature Reserve.**

**A development proposal which could adversely affect a site of national importance may only be permitted where the benefits of the proposed development clearly outweigh the value of the site.**

**In such cases, appropriate mitigation and/or compensatory measures will be required.**

- 5.7 Areas of Special Scientific Interest (ASSIs) are declared under the Environment (Northern Ireland) Order 2002 (as amended). Nature Reserves including National Nature Reserves are declared under the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 and Marine Nature Reserves are designated under this Order.
- 5.8 A list of existing national sites and their locations can be found at [www.doeni.gov.uk/niea](http://www.doeni.gov.uk/niea).

## **Policy NH 4 - Sites of Nature Conservation Importance – Local**

**Planning permission will only be granted for a development proposal that is not likely to have a significant adverse impact on:**

- a Local Nature Reserve; or
- a Wildlife Refuge.

**A development proposal which could have a significant adverse impact on a site of local importance may only be permitted where the benefits of the proposed development outweigh the value of the site.**

**In such cases, appropriate mitigation and/or compensatory measures will be required.**

- 5.9 Local Nature Reserves are those established by District Councils under the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. Wildlife Refuges are provided for under the Wildlife Order.
- 5.10 A list of existing local sites and their locations can be found at [www.doeni.gov.uk/niea](http://www.doeni.gov.uk/niea).

## **Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance**

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- **priority habitats;**
- **priority species;**
- **active peatland;**
- **ancient and long-established woodland;**
- **features of earth science conservation importance;**
- **features of the landscape which are of major importance for wild flora and fauna;**
- **rare or threatened native species;**
- **wetlands (includes river corridors); or**
- **other natural heritage features worthy of protection.**

**A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.**

**In such cases, appropriate mitigation and/or compensatory measures will be required.**

- 5.11 Priority habitats and species may fall within and beyond designated sites. They include both European (as identified under Annex I and II of the Habitats Directive and Annex I of the Birds Directive) and Northern Ireland priority habitats and species, identified through the Northern Ireland Biodiversity Strategy (NIBS)<sup>27</sup> (in pursuance of the statutory duties under the Wildlife and Natural Environment (NI) Act 2011.)
- 5.12 'Other' natural heritage features worthy of importance are most likely to include trees and woodland which do not fall under the priority habitat or long-established woodland categories but are in themselves important for local biodiversity. Certain other features which make a significant contribution to biodiversity may also be included.
- 5.13 To ensure international and domestic responsibilities and environmental commitments with respect to the management and conservation of biodiversity are met, the habitats, species and features mentioned above are material considerations in the determination of planning applications.

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<sup>27</sup>Priority Habitats and Priority Species

## Policy NH 6 - Areas of Outstanding Natural Beauty

Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects:
  - local architectural styles and patterns;
  - traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
  - local materials, design and colour.

- 5.14 This policy requires development proposals in Areas of Outstanding Natural Beauty (AONB) to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife.
- 5.15 The quality, character and heritage value of the landscape of an AONB lies in their tranquillity, cultural associations, distinctiveness, conservation interest, visual appeal and amenity value.
- 5.16 In assessing proposals account will be taken of the Landscape Character Assessments and any other published guidance such as countryside assessments produced as part of the development plan process, as well as AONB Management Plans and local design guides.
- 5.17 The Countryside Assessments will consider each designated AONB to identify each local landscape character type and their potential for protection and enhancement.
- 5.18 Planning Policy Statement (PPS) 21 “Sustainable Development in the Countryside” (June 2010) sets out planning policies for development in the countryside. The provisions of PPS 21 apply to all areas of Northern Ireland's countryside. Supplementary Planning Guidance to PPS 21 is contained within “Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside” (May 2012).
- 5.19 Further information on statutory natural heritage designations can be found at [www.doeni.gov.uk/niea](http://www.doeni.gov.uk/niea).

