

Core Strategy Policy SS6 and LD2- Biodiversity & Ecology measures compliance checklist

Background

The Environment Bill 2019-20 was announced in the Queen's Speech in December 2019. Its primary aim is to secure environmental protection through domestic legislation, following the UK's departure from the current legislation deriving from the European Commission. Part 6 of the Bill provides for the creation of a measurable 10% "Biodiversity Net Gain" from new development through the planning system.

Biodiversity can be defined as the variety of sites, habitats and species within a specified locality and is influenced by factors such as geology, topography and climate. These make an important contribution to local distinctiveness, and Herefordshire benefits from a diverse range.

The Herefordshire Local Plan Core Strategy forms the adopted statutory development plan for the county. It is due to undergo review, in which planning policies regarding the retention and protection of biodiversity assets are likely to be updated. However, the processes of review and revisions to the Core Strategy are likely to take a number of years. Therefore, it is imperative that in the interim, the Local Planning Authority undertakes a thorough audit to ensure that development proposals are complying fully with the requirements of the existing adopted policies.

The policies of direct relevance comprise SS6, LD2 and LD3:

Policy SS6 sets out the overarching objective of the Core Strategy for development to protect and enhance the environmental quality of Herefordshire, of which biodiversity assets form a key element.

Policy LD2 sets out how this will be achieved in greater detail:

Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:

1. *retention and protection of nature conservation sites and habitats, and important species in accordance with their status as follows:*
 - a) *Development that is likely to harm sites and species of European Importance will not be permitted;*
 - b) *Development that would be liable to harm Sites of Special Scientific Interest or nationally protected species will only be permitted if the conservation status of their habitat or important physical features can be protected by conditions or other material considerations are sufficient to outweigh nature conservation on considerations;*
 - c) *Development that would be liable to harm the nature conservation value of a site or species of local nature conservation interest will only be permitted if the*

importance of the development outweighs the local value of the site, habitat or physical feature that supports important species.

d) Development that will potentially reduce the coherence and effectiveness of the ecological network of sites will only be permitted where adequate compensatory measures are brought forward.

- 2. Restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks; and*
- 3. Creation of new biodiversity features and wildlife habitats.*

Where appropriate the council will work with developers to agree a management strategy to ensure the protection of, and prevention of adverse impacts on, biodiversity and geodiversity features.

Policy LD3 and its supporting text recognises the role that green infrastructure can play in improving ecological networks.

Development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the following objectives:

- 1. Identification and retention of existing green infrastructure corridors and linkages; including the protection of valued landscapes, trees, hedgerows, woodlands, water courses and adjoining flood plain;*
- 2. Provision of on-site green infrastructure; in particular proposals will be supported where this enhances the network; and*
- 3. Integration with, and connection to, the surrounding green infrastructure network.*

The supporting paragraphs to LD3 go into further detail on how these objectives can be delivered:

5.3.21 Development proposals should identify and protect existing green infrastructure. The Green Infrastructure Strategy 2010 and associated Study identify those features that contribute to the green infrastructure network. Proposals should take account of features within the site and also on adjacent sites as integration and connection with the surroundings is a key objective. Proposals should incorporate the retention and enhancement of features such as trees and hedgerows, together with long term management.

5.3.22 The inclusion of new planting, wildlife enhancement, creation and links, links to the countryside and river ways, green transport corridors, open spaces and recreational facilities and sustainable drainage systems within or associated with development proposals are important and valuable contributions to green infrastructure. Landscaping of development sites should feature planting of appropriate native species wherever possible, ensuring there is sufficient space for plants to grow to maturity. Opportunities for new elements include establishing grasslands, wildflower meadows, wetlands, orchards or woodland. New green infrastructure features could include promoting and extending the public rights of way network, increasing public access and providing interpretive information.

Also a significant material consideration in decision making in relation to biodiversity and ecology are the requirements of Section 15 of the National Planning Policy Framework (NPPF):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

Guidance for applicants

All new applications for development (including revised applications or those at Reserved Matters stage) which affect nature conservation sites, habitats and important species will need to complete the below table, to demonstrate that the relevant ecological information has been submitted as part of the application.

Where any of these criteria apply, the following will need to be provided;

1. Ecology evidence

- a. **An ecological survey and assessment report** by a suitably qualified ecologist. This will need to include a preliminary ecological appraisal (PEA) and/ or preliminary roost appraisal (PRA) where bats may be affected, together with further survey, impact assessment and details of ecology protection, avoidance or mitigation measures where appropriate (*Refer to guidance below**). **Or, if you believe that this is not required;**
- b. **A summary statement** describing why no ecology survey and assessment is needed together with photographs and/ or other evidence clearly showing that there is no likely ecological impact.

And;

2. Biodiversity enhancement details

All developments, particularly where there is a potential impact to ecology, are required to conserve, restore and enhance the biodiversity assets of Herefordshire. This could include the provision of bird or bat boxes, habitats for hedgehogs or insects, or other enhancements such as those recommended by an ecologist as part of a survey report. The specific details should be shown on proposed plans. This can be provided as a condition to an approval.

Ecological checklist - please complete

Please indicate whether the proposal or site has or is likely to affect any of the following and which information you are providing with the application:

Ecological feature	Ecology survey & assessment report	Summary statement of no likely impact	Biodiversity enhancement details
Development within, adjacent to or likely to affect a designated site (SAC*, SSSI*, Local Wildlife Site or nature reserve)	☐ N/A	☐	☐
Roof or building being demolished / replaced / altered, or loft being converted	☒ N/A	☐	☐
Conversion / demolition / alteration of agricultural building, outbuilding or industrial building or of bridge, tunnel or other underground structures or wind turbine installed	☒ N/A	☐	☐
Development, alteration or removal of unoccupied /	☐ N/A	☐	☐

previously undeveloped land including woodland, mature trees, hedgerow, scrub, grassland, gardens, orchards, allotments, railway or brownfield sites				
Development within 20m of a watercourse or within 500m of a pond or ditch	☐	N/A + on watercourse	☒	☐
Protected species or priority habitat known to occur on or adjacent to site	☐		☒	☐

**SAC - Special Area of Conservation – a Habitats Regulations Assessment (HRA) is likely to be required, see guidance below, *SSSI – Site of Special Scientific Interest*

For further information on local designated sites, protected species and habitats and ecological survey requirements and guidance refer to;

- Herefordshire Council's advice and local requirements, including HRA;

<https://www.herefordshire.gov.uk/info/200177/conservation/224/ecology/4>

https://www.herefordshire.gov.uk/download/downloads/id/20561/habitats_regulations_assessment_hra_guidance_note.pdf

https://www.herefordshire.gov.uk/info/200142/planning_services/66/about_planning_services/12

- Natural England guidance on ecology requirements relating to planning applications;

<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

- Guidance from CIEEM (Chartered Institute for Ecology and Environmental Management) on working with an ecologist and the types of survey that may be required;

<https://cieem.net/i-need/>

https://cieem.net/i-am/resources-landing/resources-hub/?filter_resource_type=75