

PLANNING ADVICE NOTE – BIODIVERSITY

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.

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 that 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.

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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. 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 resource 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*.

¹ <https://www.gov.uk/guidance/natural-environment#local-ecological-networks>



Meres and Mosses Landscape partnership Scheme and Nature improvement Area
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Shropshire Local Plan²

Core Strategy CS6 (Sustainable Design and Development Principles) and SAMDev MD2 (Sustainable Design) cover the design of development, while 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.

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 assets³. 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 that contributes positively to the special characteristics and distinctiveness of NIAs. The Core Strategy states that climate change is recognised as possibly the greatest threat facing the world today, and acknowledges that among the potential harms are loss of biodiversity and landscape character. Its Vision for the County includes "Shropshire's biodiversity network will connect with similar networks across its borders, maximising potential for wildlife to adapt to climate change".

Community benefit (see Policy CS4) is defined as including environmental networks, which are the focus of Policy CS17. The Core Strategy explains that open spaces can provide a number of functions including providing habitats for wildlife (para 4.84). Policy CS17 requires that development contributes to local distinctiveness and refers specifically to the Meres and Mosses; it should not have a significant adverse effect on such assets and must not create barriers or sever links between dependent sites; financial contributions may be sought to fund new or improved environmental sites and corridors, removal of barriers between sites and long-term management and maintenance (see also our Advice Note on use of CIL monies). The Core Strategy (para 7.8) emphasises the potential for linkages between new development sites and other areas including the countryside, which can allow wildlife to move freely for breeding and feeding.

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

³ These 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.

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 identify potential for wildlife corridors that might be completed, protected or enhanced through conditions attached to permission for new development;
- Seeking to ensure appropriate ecological surveys are done by developers prior to submission of a planning application so that they can be taken into account when the application is decided;
- Seeking to ensure that, where a project-level HRA shows that development may have an adverse effect on the integrity of an internationally designated site, this will be avoided or fully mitigated;
- Encouraging development that appropriately enhances, connects, restores or recreates natural assets⁴, particularly where this improves the value of assets in a poor condition;
- Identifying the need for long-term management or maintenance of relevant environmental assets that would benefit from a funding package associated with the development;
- Making use of the knowledge of local naturalists to identify species or habitat at risk from development, and ways of protecting it – contact the Wildlife Trust if necessary;
- Suggesting that an external lighting plan be prepared where there are/ may be bats present; the scheme to take into account advice in the Bat Conservation Trust's booklet, 'Bats and Lighting in the UK' (or replacement guidance);
- Where appropriate, suggesting conditions requiring the installation of artificial bird nests and bat boxes;
- Where desirable to protect trees, large shrubs and hedgerows and their roots, suggesting that an Arboricultural Method Statement be required, along with a tree protection plan in line with BS5837:2012 (or replacement guidance);
- Where appropriate, suggest that a Habitat Management Plan be required (e.g. in relation to a large housing scheme), to include a works schedule with annual work plans, to apply throughout the lifetime of the development;
- Where appropriate, seek the preparation of a tree and hedgerow protection scheme (e.g. in relation to a small/medium housing scheme), specifying which trees etc are to be retained and steps to be taken for their protection during and after construction;
- Seeking to ensure that planting plans make use of native species of local provenance (Shropshire or surrounding counties) in any wildlife area accompanying development;
- Where appropriate, seeking adjustments to the location of buildings to allow space for a hedgerow; and
- Where appropriate, seeking the preparation of a Reasonable Avoidance Method in regard to Great Crested Newts, to be prepared by a suitably experienced, licensed ecologist.

To ensure that it is fully prepared for future applications, the Parish Council might consider:

- Bearing in mind the wealth of relevant information contained in the Shropshire Biodiversity Action Plan⁵, the Shropshire Ecological Data Network⁶, Shropshire Historic Environment and Shropshire Geo-diversity Action Plan⁷, so that local priorities can be identified; and
- Preparing a Parish Biodiversity Action Plan, so that you have an agreed set of priorities for your locality; and
- Preparing a Green Infrastructure Plan, even if it is rudimentary, to help guide decisions on applications and use of Community Infrastructure Levy monies (see our Advice Note on Use of CIL monies).

⁴ Defined in the SAMDev as including biodiversity and geological features; trees, woodlands and hedges in both rural and urban settings; the ways in which they combine and connect to create locally distinctive and valued landscapes... and the contribution they make to visual amenity.

⁵ Published by the Shropshire Biodiversity Partnership in 2006 and continuously under review.

⁶ Database updated annually

⁷ Shropshire County Council 2007