

A Guide to Biodiversity and Planning for Nottinghamshire and Nottingham

Consultation Draft

October 2006



**Nottinghamshire
County Council**



City of

NOTTINGHAM

A GUIDE TO BIODIVERSITY AND PLANNING FOR
NOTTINGHAMSHIRE AND NOTTINGHAM
Consultation Draft – October 2006

<u>CONTENTS</u>	<u>Page No.</u>
FOREWORD	3
1. INTRODUCTION	
1.1 What is Biodiversity?	5
1.2 Biodiversity in Nottinghamshire	5
1.3 The UK Biodiversity Action Plan	5
1.4 The Nottinghamshire Local Biodiversity Action Plan	6
1.5 The Nature Conservation Strategy for the City of Nottingham	6
1.6 Biodiversity Information and Advice	6
1.7 Biodiversity and Development	7
1.8 Biodiversity in the Planning System	7
1.9 Biodiversity in Regional Spatial Strategy	8
1.10 Biodiversity in the JSP	9
1.11 The Nottinghamshire Landscape Guidelines	9
2. DESIGNATED SITES	
2.1 Background	11
2.2 Legislation	11
2.3 National Policy Guidance	12
2.4 Regional Spatial Strategy	12
2.5 JSP Policy	12
2.6 Guidance for Designated Sites	12
3. HABITATS	
3.1 Background	14
3.2 Legislation	14
3.3 National Policy Guidance	15
3.4 Regional Spatial Strategy	15
3.5 JSP Policy	15
3.6 Guidance for Habitats	16
4. PROTECTED SPECIES	
4.1 Background	17
4.2 Legislation	17
4.3 National Policy Guidance	18
4.4 Regional Spatial Strategy	18
4.5 JSP Policy	18
4.6 Guidance for Protected Species	18

5. ENHANCING BIODIVERSITY

5.1 Background	20	
5.2 Legislation		20
5.3 National Policy Guidance	20	
5.4 Regional Spatial Strategy	20	
5.5 JSP Policy	21	
5.6 Guidance for Enhancing Biodiversity	21	

6. HABITAT MANAGEMENT

6.1 Background	23	
6.2 Legislation		23
6.3 National Policy Guidance	23	
6.4 Regional Spatial Strategy	23	
6.5 JSP Policy	24	
6.6 Guidance for Habitat Management	24	

7. IMPACT ASSESSMENT

7.1 Background	25	
7.2 Legislation		25
7.3 National Policy Guidance	25	
7.4 Regional Spatial Strategy	26	
7.5 JSP Policy	26	
7.6 Guidance for Statutory Environmental Impact Assessment	26	
7.7 Guidance for Non-statutory Ecological Appraisal	26	

8. MONITORING

8.1 Background	28	
8.2 JSP Policy	28	
8.3 Guidance for Biodiversity Monitoring	28	

9 COMMUNITY AWARENESS AND PARTICIPATION

9.1 Background	29	
9.2 Policy Context	29	
9.3 Guidance for Community Involvement	29	

APPENDICES

A: Habitats and Species of Conservation Concern in Nottinghamshire	31
B: Legally Protected Species	33
C: Generic Actions for Biodiversity	35
D: Habitat and Species Action Plans	37
E: Joint Structure Plan Policies	42
F: Specimen Planning Conditions	44
G: References	46
H: Useful Contacts	49

FOREWORD

This Guide is produced in conjunction with the Nottinghamshire and Nottingham Joint Structure Plan (JSP)¹ to provide guidance to the Local Planning Authorities and other organisations with an interest in biodiversity in the geographical area of Nottinghamshire. Drawing together existing legislation and Government guidance, this document illustrates how the aims, objectives and targets of the UK Biodiversity Action Plan² and Nottinghamshire Local Biodiversity Action Plan³ can be integrated into land use planning in the geographic County. The functions of this document are:

- to provide advice to county, city and district planners on how the nature conservation policies in the JSP can be delivered in practice, taking account of Local Authorities' responsibilities under the UK² and Local Biodiversity Action Plans³ and the duty under the forthcoming Natural Environment and Rural Communities Act;
- to provide guidance to developers on how they will be expected to take account of biodiversity in the siting and design of new developments.
- to inform other bodies, organisations and the general public of the process and basis for the implementation of biodiversity principles and the Nottinghamshire Local Biodiversity Action Plan³.

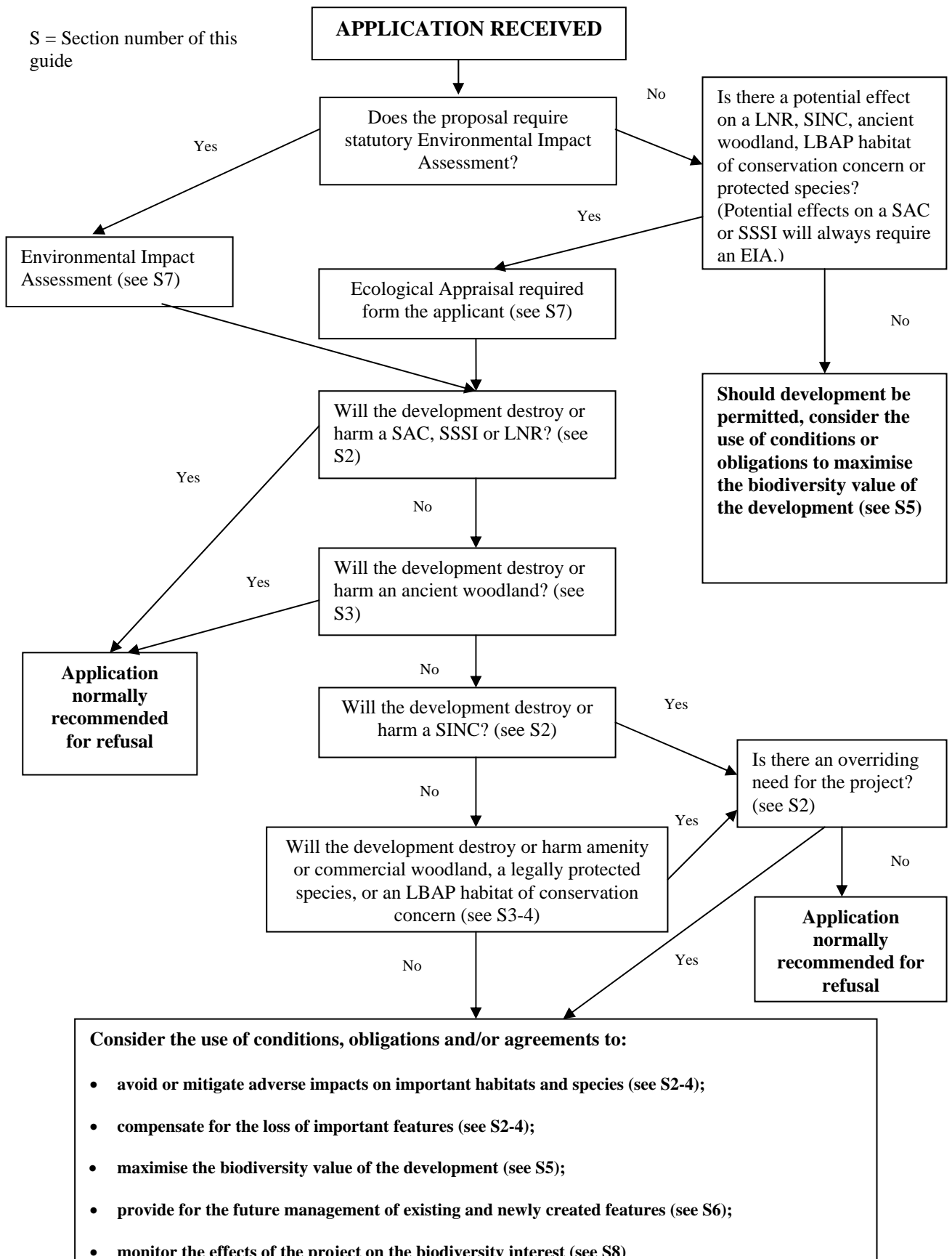
Under the Planning and Compulsory Purchase Act 2004, Local Plans will be replaced by Local Development Frameworks and Supplementary Planning Guidance will be replaced by Supplementary Planning Documents (SPD). It is hoped that this Guide will be of assistance to Local Planning Authorities in producing their SPDs on biodiversity, although it is not an SPD itself.

Biodiversity is one of many environmental, social and economic factors that need to be considered by local authorities in making informed planning decisions. This Guide, by definition, provides only the biodiversity conservation viewpoint.

A large amount of guidance has been produced by statutory agencies, conservation organisations and others relating to biodiversity in the planning system. It is a large and complex subject and this document is not intended to be an exhaustive guide. Instead it is designed to explain the general principles, provide guidance relating specifically to Nottinghamshire and Nottingham, and indicate where more detailed information can be found. (References to Nottinghamshire and the County which are made throughout the document relate to the geographic county, encompassing the areas covered by both Nottinghamshire County and Nottingham City Councils.)

This Guide has been produced by Nottinghamshire County Council and Nottingham City Council in collaboration with the Nottinghamshire Biodiversity Action Group (BAG), a partnership of over 50 organisations involved in nature conservation across the county, spanning the public, private, voluntary and statutory sectors. The BAG co-ordinates the production and implementation of the Nottinghamshire Local Biodiversity Action Plan.

BIODIVERSITY IN THE PLANNING SYSTEM: A SUMMARY



1. INTRODUCTION

1.1 What is Biodiversity?

Biodiversity is the variety of life around us: our wild animals and plants, the genetic diversity within these species, and the habitats that support them. Conserving biodiversity is not just about rare and threatened species but encompasses the whole of the natural world, from the commonplace to the critically endangered. Biodiversity is important aesthetically and spiritually, culturally and commercially. Its conservation is a key test of sustainability - passing a healthy and diverse environment on to future generations.

1.2 Biodiversity in Nottinghamshire

Nottinghamshire's biodiversity is an essential part of its character. From the ancient woodlands of Sherwood Forest to the wetlands of the Trent Valley, a unique range of habitats characterises the County. These support a great diversity of species, ranging from the common to the globally endangered.

However, the East Midlands has suffered a greater erosion of biodiversity than any other English region, and Nottinghamshire is no exception. Our biodiversity has significantly declined in recent decades, and continues to decline at an alarming rate. Key wildlife habitats have been lost through a combination of factors including intensive agriculture, development and neglect. Many of the plants and animals which depended on them have disappeared, and over 1000 of the County's species are known to be rare, declining or under threat on a national or local level.

Box 1: Habitat Losses in Nottinghamshire- Examples

50% of the ancient woodland present in 1920 has been lost

90% of the heathland present in 1922 has been lost

97-99% of the flower-rich meadow present in 1930 has been lost

1.3 The UK Biodiversity Action Plan

In 1992, world leaders signed the UN Convention on Biological Diversity⁴ at the 'Earth Summit' in Rio de Janeiro. As a result of this, in 1993, our Government produced 'Biodiversity: the UK Action Plan²', followed by the first report of the UK Biodiversity Steering Group⁵. Together, these documents identify national priorities for conservation, and set out targets to be achieved and programmes to achieve them. Costed action plans have been produced for over 300 priority species and habitats.

If the UK Biodiversity Action Plan² (UKBAP) is to be successful, it requires some means of ensuring that it is translated into effective action at a local level. Local Biodiversity Action Plans (LBAPs) identify priorities and targets, develop effective local partnerships to deliver

long term programmes for biodiversity conservation, and provide a basis for monitoring progress at both local and national levels. They are also a basis for raising local awareness of biodiversity issues and increasing involvement in conservation.

1.4 The Nottinghamshire Local Biodiversity Action Plan

The Nottinghamshire LBAP³ was published in 1998 by the partnership of organisations known as the Nottinghamshire Biodiversity Action Group. It was produced in collaboration with a wide range of local and national organisations, and after a public consultation. The LBAP has been formally adopted by County, City, Borough and District Councils as the framework for their work on nature conservation. It contains lists of habitats and species of conservation concern, and targeted action plans for a selection of these. Local Authorities have a series of agreed responsibilities under each action plan, as well as under the generic actions for biodiversity that are set out in Appendix C. The LBAP will continue to be updated and added to as implementation progresses and knowledge improves.

1.5 The Nature Conservation Strategy for the City of Nottingham

A revised Nature Conservation Strategy²⁸ was published by Nottingham City Council in 2000. This identifies LBAP species and habitats relevant to the City and sets out policies, objectives and targets for their conservation. It also identifies a network of wildlife reservoirs, corridors and links to be protected and enhanced. The strategy stresses the key importance of the planning system, and states that ‘the City Council will make appropriate consideration for nature conservation issues, all appropriate wildlife and other legislation when determining planning applications as well as in formulating statutory local plans and other policy documents. The use of planning controls is seen as a valuable tool in creating new habitats and wildlife rich open space through promoting and advancing well designed developments’.

1.6 Biodiversity Information and Advice

In order for Local Authorities to make informed decisions, it is essential that accurate and up to date information is available. Planning Policy Statement 9: ‘Biodiversity and Geological Conservation’⁷ (August 2005) (PPS9) stresses that local plans/development plan documents should be based on fully adequate information about local species and habitats, while The Royal Town Planning Institute³⁰ emphasise the key importance of specialist information and advice.

The holder of biodiversity records for the County is the Nottinghamshire Biological and Geological Records Centre (NBGRC). Local Authorities should have regard to the need to provide support for the NBGRC as the provider of the information necessary for planning decisions.

Both the County and City Councils have in-house specialists who are routinely consulted on planning matters. Whenever nature conservation issues are involved, borough and district planning authorities may seek the advice of Nottinghamshire County Council's Conservation Group. There is a requirement to consult English Nature where legally protected sites or species are involved (see later). Voluntary conservation organisations, such as Nottinghamshire Wildlife Trust or the County bat groups may also provide expert advice. A list of useful contacts may be found in Appendix H.

1.7 Biodiversity and Development

Areas of wildlife habitat such as woodlands and heaths are generally small and highly fragmented. Together with features such as hedgerows, ponds and copses, which provide corridors or stepping stones from one fragment to another, they form a habitat network. This network allows species to spread into new areas, and connects populations, making it crucial to the overall health, adaptability and survival of wild plants and animals.

Unfortunately, the fabric of this network has become seriously eroded. Fragments of natural habitat are often isolated, surrounded by roads, housing or intensively farmed land, and plants and animals are confined to small and vulnerable populations. New development can contribute to the further loss, fragmentation and isolation of habitats in several ways:

- a) by destroying, damaging or fragmenting habitats;
- b) by acting as barriers between fragments of habitat, increasing their isolation;
- c) by destroying or damaging linear linkages or stepping stones between fragments;
- d) by directly or indirectly increasing visitor pressure on valuable wildlife and landscape sites.

Even if the network remains intact, development close to an area of habitat without the provision of an adequate buffer zone can have significant indirect effects. These range from changes in hydrology and noise levels to vandalism and the introduction of invasive species. All of these factors can lead to the loss of species and the gradual deterioration of the habitat.

New development, however, can also play a positive role. High quality design, along with planning conditions, obligations and management agreements where necessary can be used to create and restore habitats, resulting in a net gain in biodiversity. In some cases this gain can be substantial, such as the major habitat creation projects now often associated with the restoration of mineral extraction sites. However most developments, whatever their size, present opportunities for enhancing biodiversity, whether it is incorporating native species and habitats into landscaping schemes, or a bat box into the design of a new building.

1.8 Biodiversity in the Planning System

Local Authorities are required by Government to take full account of nature conservation in decision making. PPS9⁷ and the accompanying Joint Circular ODPM 06/2005, Defra 01/2005 'Biodiversity and Geological Conservation – Statutory Obligations and their Impact Within the Planning System' outlines the procedures for implementing relevant national and international laws through the land use planning system. They state that nature conservation objectives should be taken into account in all planning activities where there is wildlife of local importance. Nature conservation is an important material consideration in many planning applications. PPS9 states quite clearly that if 'significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.'

The Government also intends to publish good practice guidance to assist Local Authorities in the development of planning policies, making development control decisions and understanding statutory obligations.

Local Authorities are charged by Government under the UKBAP² with taking the lead in the production and implementation of LBAPs. If national and local targets are to be achieved, biodiversity conservation must be integrated into all aspects of Local Authorities' work, but perhaps the most significant gains can be made through the land use planning system. The UKBAP² is official Government Guidance, with a similar status to Planning Policy Guidance. Planning authorities have traditionally focused on avoiding damage to designated sites. However the Habitats Regulations¹¹ state that development plans must now include policies 'encouraging the management of features of the landscape which are of major importance to wild flora and fauna'. PPS9⁷ states that planners should be concerned not only with designated sites but also with other land of conservation value and the possible provision of new habitat. This is in line with the BAP approach, which places the emphasis firmly on conserving and restoring biodiversity in the whole of the environment. *If it is to play its full role, the land use planning system must not result in a net loss of either the quality or quantity of biodiversity in the County and should, wherever possible, address the need for positive action to enhance it.*

Box 2: Protecting and Enhancing Biodiversity

In order to maximise the potential for a development to benefit biodiversity rather than result in a net loss, measures should be taken to ensure the following:

Avoidance of adverse impacts (e.g. siting development away from areas of high ecological interest)

Mitigation to minimise adverse impacts (e.g. modifying design or methods to reduce impacts such as noise or water pollution on habitats and species)

Compensation for adverse effects that cannot be entirely mitigated (e.g. relocating or recreating habitats elsewhere)

Enhancement (e.g. creation of new habitats over and above those required for mitigation/compensation)

1.9 Biodiversity in Regional Spatial Strategy

The Regional Spatial Strategy²² (RSS8) strongly advocates the protection and enhancement of biodiversity, and stresses the key importance of Local Biodiversity Action Plans. Policy 28 (entitled Priorities for Enhancing the Region's Biodiversity) states: "*Local Authorities, environmental agencies, developers and businesses should work together to promote a major "step change" increase in the level of the Region's biodiversity.*" It then goes on to establish six ways in which this should be done. These include references to BAP targets and the promotion of net gain and management of features of the landscape that act as corridors and stepping stones.

Appendix 5 of the RSS lists the Regional Biodiversity Habitat Management and Recreation Targets including a number of hectares to be provided by 2020 in a variety of habitats such as ‘eutrophic standing waters’ or ‘lowland dry acid grassland’.

1.10 Biodiversity in the JSP

The Nottinghamshire and Nottingham Joint Structure Plan (JSP)¹ is prepared jointly by Nottinghamshire County Council and Nottingham City Council. The Authorities have placed great emphasis on the protection and enhancement of biodiversity. The JSP recognises that “*In order to halt this decline in our biodiversity, manage the current resource and restore past losses, it is essential to maintain our most important wildlife sites as reservoirs from which habitats and species can be restored to areas from which they have been lost*” (paragraph 2.8).

A suite of policies within the JSP¹ address issues relating to the conservation and enhancement of biodiversity. This Guide will provide direction on how these policies can be implemented

1.11 The Nottinghamshire Landscape Guidelines

In 1998, Nottinghamshire County Council produced a map dividing the County into ten Regional Character Areas, identified by a unique combination of physical attributes, land use patterns and human history. These closely follow or sub-divide English Nature’s national Natural Areas and the Countryside Agency’s Countryside Character Areas to reflect the distinctive landscapes that occur at a regional level. Accompanying the map are the ‘Nottinghamshire Landscape Guidelines’⁹, which provide detailed descriptions of the areas, and set out the actions needed to maintain and restore the distinctive character of each. The guidelines provide a common approach to guiding change within the countryside. This includes advice on the siting, design and landscape treatment of development within the landscape to ensure it reflects the character of the area within which it lies. Within the Nottinghamshire LBAP³, the key Character Areas for each habitat or species action plan have been identified. This enables Local Authorities and others to identify where action for each species or habitat is likely to be most effective.

Box 3: Further Reading

The following publications are recommended for further general reading:

ODPM (August 2005). *Planning Policy Statement 9: Biodiversity and Geological Conservation*. ODPM, London

ODPM & Defra (August 2005). *Circular ODPM 06/2005, Defra 01/2005: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system*. ODPM, London

Oxford. M. (2000). *Developing Naturally: A Handbook for Incorporating The Natural Environment Into Planning and Development*. Association of Local Government Ecologists.

Royal Town Planning Institute. (1999). *Planning For Biodiversity: A Good Practice Guide*. R.T.P.I. London

4. DESIGNATED SITES

2.1 Background

If we are to halt the decline in our biodiversity and restore past losses, it is essential that we maintain our most important wildlife sites as reservoirs from which habitats and species can be restored to the wider environment. Certain habitats and species, such as heathland and green winged orchid, have declined to such critical levels in Nottinghamshire that they are now rarely found outside sites protected by designation. If we are to ensure that they survive in the long term, we must first safeguard key sites and then take action to link and extend them in order to restore these habitats and species to areas from which they have been lost.

A register of designated sites is maintained by the Nottinghamshire Biological and Geological Record Centre. Local Authorities may have their own copies of this register.

Box 4: Biodiversity Site Designations in Nottinghamshire		
Importance	Designation	Designated by
Internationally Important	Special Area of Conservation (SAC) Designated under EC Habitats Directive 1992 ⁸ translated into UK law by Habitats Regulations ¹¹ .	UK Government / European Commission
Nationally Important	Site of Special Scientific Interest (SSSI) Notified under S28 of the Wildlife and Countryside Act 1981 ¹⁰ . National Nature Reserve (NNR) Declared under S35 of the Wildlife and Countryside Act 1981 or S19 of the National Parks and Access to the Countryside Act 1949 ¹² .	English Nature
Regionally / County Important	Local Nature Reserve (LNR) Designated under S21 of the National Parks and Access to the Countryside Act 1949 ¹² .	Local Authorities in consultation with English Nature
	Site of Importance for Nature Conservation (SINC) Designated under criteria set by an expert local panel (non-statutory).	Nottinghamshire SINC panel

2.2 Legislation

Internationally designated sites

Our most important sites for biodiversity are identified through European Directives. Special Areas of Conservation (SACs) are designated under the EC Habitats Directive 1992, which is translated into UK law by the Conservation (Natural Habitats &c.) Regulations 1994. All SACs are also designated as SSSIs under Section 28 of the Wildlife & Countryside Act 1981. Development within or adjacent to a SAC is prohibited under Regulation 48 of the Habitats Regulations¹¹, unless it can be ascertained by the planning authority that there will be no adverse effect on the integrity of the site, or there are considerations of overriding public interest. Even in the case of overriding public interest, there must be no alternative solutions

and compensation measures must be secured prior to the granting of planning permission. In Nottinghamshire, we have one SAC, Birklands and Bilhaugh SAC.

Nationally designated sites

Sites of Special Scientific Interest (SSSIs) receive statutory protection under Section 28 of the Wildlife and Countryside Act, 1981, as amended by the Countryside and Rights of Way Act, 2000²³, which gives these sites greater protection and further encourages their enhancement.

The Countryside and Rights of Way Act has introduced a duty on all Local Authorities and statutory undertakers (amongst others) to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of SSSI interest features. This is a positive, proactive move.

In addition to this, where Local Authorities are responsible for granting authorisations likely to directly or indirectly damage a SSSI, for example, a planning permission, the Countryside and Rights of Way Act requires Local Authorities to consult English Nature before granting such a consent, allowing 28 days for English Nature to respond. (This increases the previous requirement under the General Development Procedure Order from 14 days.) If the Local Authority is minded to grant permission against the advice of English Nature, they must provide English Nature with a statement of how this advice has been taken into account and development must not be permitted to start for a further 21 days.

Under Section 35 of the Wildlife and Countryside Act, 1981, or Section 19 of the National Parks and Access to the Countryside Act 1949, land which is being managed as a nature reserve by an approved body may be designated as a National Nature Reserve (NNR) by English Nature, if it is deemed to be of national importance. All NNRs are also designated as SSSIs. In Nottinghamshire, we have one NNR, Sherwood Forest NNR.

Locally designated sites

Local Nature Reserves (LNRs) can be declared by Local Authorities to secure the management of land for nature conservation under Section 21 of the National Parks and Access to the Countryside Act 1949¹². They are often established as resources for local communities, to provide opportunities for contact with nature. The establishment of an LNR can only be done in consultation with English Nature, and may be achieved by means of an agreement (with every owner, lessee and occupier of the land) or exceptionally by compulsory acquisition where an adequate agreement cannot be reached.

In addition to statutorily protected sites, sites considered to be of county-level importance for their biodiversity or geology are designated as Sites of Importance for Nature Conservation (SINCs). Such sites do not have statutory protection, but can be protected through the planning system, in accordance with national planning policy guidance (PPS9). Selection of these sites is the responsibility of an expert panel, using defined criteria. The protection and enhancement of SINCs is vital for sustaining the county's biodiversity. Loss or damage to this resource would result in a decline in the biodiversity of Nottinghamshire.

2.3 National Policy Guidance

PPS9 states that local development frameworks should indicate the location of international, national, regional and locally designated sites. The protection and enhancement of these national, regional and locally designated sites should be properly provided for in development and land use policies, which should reflect the relative significance of the designations. PPS9 does however, state that policies to protect international sites should not be included in local development documents because they have statutory protection. Where there is a risk of damage to a designated site, the planning authority should use conditions or planning obligations for the protection and management of the site's nature conservation interest.

The procedures for dealing with SSSI and European sites in the planning system are outlined in Circular ODPM 06/2005, Defra 01/2005. The key importance of these sites means that development proposals likely to affect them must be subject to 'special scrutiny'.

2.4 Regional Spatial Strategy

RSS8 sets out, in Policy 27, the principles that should be applied to protecting and enhancing the Region's natural assets. These include 'the promotion of the highest level of protection for the Region's nationally and internationally designated natural and cultural assets', that there should be no net loss of such assets and 'opportunities should be sought to achieve a net gain across the Region'. RSS8 also recognises that there are a large number of sites of regional or local importance but points out that only 2% of the Region's land is legally designated as nature conservation or geology sites, which is one of the lowest proportions of any region in England.

The protection afforded to designated sites will need to be reflected in Development Plans and other strategic documents which should also seek to reinforce the quality of existing wildlife sites by protecting, buffering, linking and restoring the characteristic priority habitats.

2.5 JSP Policy

Policies 2/2, 2/3 and 2/4 of the JSP protect SACs, SSSIs and Regionally and Locally Important Nature Conservation sites (LNRs and SINCs), respectively, from harmful development. They reflect the relative importance of each site to ensure that the appropriate level of protection is given.

2.6 Guidance for Designated Sites

Planning authorities should have regard to the detailed guidance given in Circular ODPM 06/2005, Defra 01/2005 and the Habitats Regulations¹¹ on planning procedures for SACs and SSSIs. At present the only SAC in the County is the Birklands and Bilhaugh SSSI in Newark and Sherwood.

The designation of a Local Nature Reserve can be a useful way of ensuring that a site is managed for its nature conservation interest, and may facilitate access to funding. With respect to development projects, LNRs may be established by agreement between developers and planning authorities, with advice from English Nature.

If development is permitted on or close to a designated site, every effort should be made to avoid damage and disturbance to important habitats or species, as identified by an environmental appraisal (see section 7). Where detrimental effects cannot be avoided,

mitigation measures should be used to keep these to a minimum. Indirect detrimental effects may include hydrological changes, noise, dust, damage from inappropriate public use etc.

If the loss of habitats or species cannot be avoided, the provision of compensatory habitats or features of at least equivalent area and quality should be considered. This may be achieved through the use of planning conditions or obligations, which must be clearly related to the type and scale of the development and its impacts. Reference should be made to the guidance given in following sections.

3. HABITATS

3.1 Background

Nottinghamshire has a diverse range of habitats, some of which are of international or national importance. The LBAP³ list of habitats of conservation concern in the County can be found in Appendix A. Although many areas of important habitat fall within designated sites, others do not, and it is therefore necessary to consider habitats as a separate issue from protected areas. It is also important to think of areas of habitat as part of a wider network rather than as individual sites (see section 1.7).

Habitats such as ancient woodland have developed over centuries and would be impossible to recreate. For some habitats, such as heathland, something similar to the original in terms of vegetation may be created, but it is impossible to reproduce exactly the unique mix of plant species, the animal communities associated with them or the historical context of the original. Translocation - moving a habitat to a new site - is a high risk option, as it involves changing the environment in which the component plants and animals live, and scientific evidence shows that the real chance of success is usually low. The preferred option is always to maintain a habitat in situ.

3.2 Legislation

The EC Habitats Directive⁸ requires Member States to protect key habitats through the designation of protected areas. It also requires them to encourage the management of features of the landscape that are of importance for wild flora and fauna as stepping stones or corridors. Examples given in the Directive are rivers and their banks, traditional field boundaries and ponds. The Habitats Regulations¹¹ translates the Directive into UK law. Regulation 37 requires planning authorities to include in their development plans policies 'encouraging the management of features of the landscape which are of major importance for wild flora and fauna'.

Box 5: Hedgerows

The Hedgerow Regulations¹³ allows local planning authorities to control the removal of hedgerows. Hedgerows on or adjoining land used for agriculture, forestry, horse keeping, common land or village greens are covered by the regulations, as are those on SSSI or LNR. If a land manager or utility operator wants to remove all or part of such a hedgerow they must notify the District, Borough or City Council, who will assess it against standard criteria (including wildlife value) and grant or refuse consent. Removal of a qualifying hedgerow without first notifying the planning authority is a criminal offence.

It should be remembered that the regulations do not protect all hedgerows of significant biodiversity value. Where a hedgerow subject to a planning application falls outside the criteria, the planning authority should consider whether it has value as a wildlife habitat in itself, or is part of a key link between areas of important habitat. If this is the case, consideration should be given of the need to protect the hedgerow in situ or, if this is not possible, to provide a new hedgerow elsewhere to maintain the link. The Nottinghamshire Biological and Geological Records Centre holds information on many important hedgerows in the County.

3.3 National Policy Guidance

The habitat network approach is supported by PPS9⁷, which states that they provide ‘a valuable resource. They can link sites of biodiversity importance and provide routes or stepping stones for the migration, dispersal and genetic exchange of species in the wider environment.’

3.4 Regional Spatial Strategy

RSS8 points out that new sites and key linking habitat corridors should be identified for conservation and enhancement and the implementation of Local Biodiversity Action Plans (LBAPs) will need to be reflected in Development Plans and other strategic documents. It also notes that wildlife and habitats are still being lost and proposes that the following key areas of action are required to counter that situation:

- ensure that there is no net loss of BAP habitats and species;
- deliver large scale habitat creation at a landscape scale;
- create buffer zones and linking corridors;
- create semi-natural green spaces in urban areas.

These priorities are reflected in Policy 28.

3.5 JSP Policy

Policy 2/1 of the JSP fulfils Regulation 37 of the Habitats Regulations (as detailed above). As such, it seeks to protect and encourage management of landscape features that are of major importance for wild flora and fauna and habitats and species identified in the UKBAP and LBAP.

Policy 2/6 makes provision for wildlife habitat creation in association with new development and specifically refers to the creation of wildlife corridors and linking features. Reference is made in this policy both to LBAP targets and to the importance of long term management and monitoring.

Trees and woodlands are specifically protected through policy 2/8. This includes amenity woodland, meaning copses and woods that are features in the landscape, and are important for biodiversity and recreation; and ancient woodlands, which are those that date from before 1600, although many are considerably older. Ancient woodlands contain a unique diversity of plants and animals, including many rare and threatened species. These woodlands have both nature conservation and amenity value.

Although ancient woodland is an extremely valuable habitat, there are others that deserve similar protection. These are habitats, identified in the Nottinghamshire LBAP³, which have declined to such an extent that any loss would seriously deplete the remaining resource. Although most areas of these habitats are designated as SINCs, many are not, and it is important that the high national and local importance of these habitats is recognised in addition to any designation.

Box 6: Trees

Trees are vital components of the habitat network. In urban and rural areas they act as stepping stones for birds, insects and other animals moving between patches of habitat. They are also important habitats in their own right, as a single tree may support hundreds of species, from bats and beetles to mosses and fungi. Ancient trees with rot holes, cracks and hollow trunks are among our most important wildlife habitats.

Detailed advice on the measures planning authorities should take to secure the protection and planting of trees when considering planning applications was provided by the DETR²⁴. Consideration should be given to the value of trees as wildlife habitat during this process, and to the use of native tree species in planting schemes to maximise their wildlife value. The Nottinghamshire Landscape Guidelines⁹ provides detailed advice on appropriate species for each landscape type.

3.6 Guidance for Habitats

Appendix A contains habitats listed as of conservation concern in the LBAP³. Definitions of all of the habitats and information on their status may be found within the appropriate habitat action plan in the LBAP³.

Where development is permitted on or close to an area of LBAP habitat, every effort should be made to avoid damage and disturbance. Where detrimental effects cannot be avoided, mitigation measures should be used to keep these to a minimum. Indirect detrimental effects may include hydrological changes, noise, dust, damage from inappropriate public use etc.

If the loss of habitat cannot be avoided, provision should be made for the creation of compensatory habitat of at least equivalent size and quality, either on the development site or in a suitable alternative location. This may be achieved by the use of voluntary agreements, planning conditions or obligations, which must be clearly related to the type and scale of the development and its impacts. The scheme should include links between the newly created habitat and the surrounding network to allow species to colonise the area.

New habitat may be created through the translocation of soil, turf or other material from an area to be developed. Although this may be preferable to creating new habitat from scratch, careful consideration must be given to the methods used and the properties of the receptor site. Translocation will not be given substantial weight in planning decisions, and will only be considered as a last resort if damage is unavoidable. As described above, the habitat created is unlikely to be of equivalent quality in terms of species diversity to that lost. Therefore translocation cannot be used to remove a proposal's conflict with policies intended to protect habitats and species.

Provision should be made for the future management of retained and newly created habitats and linking features, and for monitoring the effectiveness of this management and the long term impact of the development. Local Authorities should have regard to the guidance given in following sections on management and monitoring.

4. PROTECTED SPECIES

4.1 Background

Certain species of plant and animals are legally protected because of their vulnerability. Although not all are rare, these species are under threat in some way, and many would be likely to become rare if protection measures were not in place. This guidance should only be taken as an overview, and planners and developers must make sure that they seek early advice from English Nature before they do anything that may affect a protected species. It is important to remember that even apparently hostile environments such as old buildings or demolition sites regularly support bats, barn owls or great crested newts.

4.2 Legislation

A list of legally protected species and an overview of the protection afforded to them may be found in Appendix B. The main relevant piece of legislation is the Wildlife and Countryside Act¹⁰. The level of protection given to an individual species varies according to its listing on the various schedules of the Act. This legal protection applies irrespective of planning permission.

Badgers and their setts are given protection under the Protection of Badgers Act 1992²⁵. A licence is required from English Nature to permit interference with a sett in the course of development. This also applies to the use of machinery within 30 metres.

Certain species, including bats, otter and great crested newt are listed in the European Habitats Directive⁸ as ‘European protected species’ and protected under the UK Habitats Regulations¹¹. It is an offence to deliberately capture, kill or disturb these species or damage or destroy their breeding site or resting place. Developments affecting European protected species require a licence from the Department for Environment, Food and Rural Affairs (DEFRA). This applies irrespective of whether planning permission has been given, and the refusal of a license may mean that a development is prevented from going ahead, even if planning permission has been given. Before a licence can be granted, three tests must be satisfied:

- (i) That the development is ‘in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’;
- (ii) That there is no satisfactory alternative;
- (iii) That the granting of a licence will not be ‘detrimental to the maintenance of the populations of the species concerned at a favourable status in their natural range’.

DEFRA will seek information from the planning authority in order to establish whether these criteria are met. If the application for a licence is made prior to the grant of planning permission, no decision will be made until the planning position has been resolved.

4.3 National Policy Guidance

PPS9⁷ seeks to ensure that this legislative framework is not repeated in development plan documents. It goes on to state that non-statutory protected species should be protected where they are identified as requiring conservation action. PPS9⁷ is very strong in the protection it affords to species stating that ‘Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, or benefits of, the development clearly outweigh that harm’.

4.4 Regional Spatial Strategy

RSS8 states that the protection afforded to protected species must be reflected in Development Plans and other strategic documents.

Policy 28 highlights the importance of ensuring that there is no net loss of BAP habitats and species and that net gain is achieved.

4.5 JSP Policy

Policy 2/5 of the JSP states that: *“Planning permission for development likely to cause harm to a species or its habitat protected in law, will only be permitted where it is demonstrated that there is an overriding need for the development. Planning permission will not be granted until a full survey of the affected species has been carried out, to the satisfaction of the local planning authority. Where such development is permitted, conditions and/or planning obligations will be used to secure the protection of the affected species.”*

4.6 Guidance for Protected Species

Detailed guidance on protected species in the planning system is provided by English Nature³¹. The presence of certain features on or near a site will make it more likely that certain protected species may be present. The table in Appendix B lists such features. If any of these features will be directly or indirectly affected by a proposed development, the planning authority should require the developer to commission a check by an experienced ecological surveyor to establish if the species is present. Nottinghamshire Biological and Geological Records Centre should be contacted for information on known populations. If the species is present, a survey to establish its approximate distribution and population size should be required to inform the authority’s decision. Appendix B lists optimal survey periods for a range of protected species.

Where a protected species is present, the planning authority must consult English Nature at the earliest possible stage. If the presence of a protected species is discovered after work on a site has commenced, operations must stop immediately to avoid causing illegal damage. Where permission is granted, the Local Authority should consider the use of planning conditions or obligations to achieve one of the following (in order of preference):

- the protection of the species, in its current location, from harm or disturbance, and the maintenance of habitats and features necessary for nesting, roosting, feeding etc;
- where it is not possible to retain the population in its current location, the provision of suitable alternative habitats and features elsewhere on or adjacent to the site to maintain at least the current levels of populations affected;

- as a last resort, exclusion, or removal of the population to a suitable alternative location.

Provision should be made for the future management of retained and newly created features, and for monitoring the effectiveness of the conservation measures on the species concerned. Guidance is given in following sections on management and monitoring.

5. ENHANCING BIODIVERSITY

5.1 Background

Achieving our BAP targets is not just about protecting what we have, but about restoring what we have lost. Many of Nottinghamshire's habitats and species are declining, or are already at critically low levels and if we are to maintain our biodiversity in the long term it is necessary to halt and reverse these declines. Several species have disappeared from the County in recent years, but might be encouraged to return if suitable habitat is restored.

Restoring or creating wildlife habitats in association with new development need not be expensive, and may indeed be more cost effective than more traditional formal landscaping, requiring less ongoing maintenance. It has the added benefit of providing an attractive natural setting for a development, and opportunities for enjoyable contact with wildlife for residents or workers. This in turn may increase the value or saleability of the development.

5.2 Legislation

The UK is committed under the Convention on Biological Diversity⁴ and the Habitats Directive⁸ to maintaining and restoring biodiversity.

5.3 National Policy Guidance

The UKBAP² sets out national targets and action plans for restoring biodiversity through the creation of new habitats and enhancement of existing ones. These are translated to a local level in the Nottinghamshire LBAP³ (see Appendix D), which sets county targets for habitat enhancement and creation. Habitat creation in association with new development is identified as being a key contributor to the achievement of both national and local targets.

PPS9 says that local authorities should take steps to further the conservation of habitats and species of principal importance through their planning function.

5.4 Regional Spatial Strategy

Policy 28 of RSS8 identifies the following six priorities for enhancing the Region's biodiversity:

- achievement of the regional contribution to UK BAP targets;
- establishment of large scale habitat creation projects in priority areas, including Strategic River Corridors and heathland areas;
- establishment of a regional project to promote re-creation of key wildlife habitats in each Natural Area;
- establishment of a network of semi-natural green spaces in urban areas;
- management of features which act as corridors and 'stepping stones' for wildlife;
- development and implementation of mechanisms to ensure that development results in no net loss of BAP habitats and species and net gain is achieved.

5.5 JSP Policy

Policy 1/1 of the JSP sets out the principles of sustainable development. One of the bullets within this policy encourages “*the protection and enhancement of the Plan Area’s biodiversity to ensure no net loss of Biodiversity Action Plan habitats, and opportunities sought to achieve a net gain*”. This is reinforced in policy 2/1.

In addition to this, policy 2/6 encourages wildlife habitat creation in association with new development proposals. Whilst major habitat creation is only possible with certain types of development, almost any landscaping or planting scheme can easily incorporate features of value to local wildlife, such as ponds, native flowering plants for butterflies, or bat boxes in buildings. Appendix F contains a list of examples of the type of planning conditions that can be used to secure biodiversity benefits.

5.6 Guidance for Enhancing Biodiversity

Whilst small-scale habitat creation can be incorporated in most new development schemes, the potential for major habitat creation and enhancement should be a particular consideration when permission is granted for development which is:

- (i) associated with land with high potential for the creation, restoration or enhancement of LBAP habitats of conservation concern (e.g. where there are existing degraded habitats);
- (ii) associated with land where the strategic creation of habitats would strengthen the habitat network of the surrounding area (e.g. on land between existing areas of LBAP habitat);
- (iii) in an urban area currently lacking in accessible wildlife sites;
- (iv) in association with development on previously undeveloped land.

The planning authority should use voluntary agreements, conditions or planning obligations to ensure the creation, restoration or enhancement of habitats over and above that required for compensation. This may be achieved by habitat creation on the site itself, or by a contribution from the developer towards habitat creation on a suitable alternative site. Appendix F contains a list of examples of the type of planning conditions that can be used to secure biodiversity benefits.

The habitats suitable to be restored or created on a particular site will be determined by their location and physical attributes such as soil type and hydrology. The scheme should include links between the newly created habitat and the surrounding habitat network to allow species to colonise the new area as it becomes established. A landscape plan produced by, or in consultation with, a qualified ecologist will be required from the developer setting out the locations and specifications of the habitats to be created. This should have regard to LBAP³ priorities and targets and the Nottinghamshire Landscape Guidelines⁹.

Full provision should be made for the future management of retained and newly created features, and for monitoring the effectiveness of this management and the long term impact of the development on the biodiversity resource. Planning authorities should have regard to the guidance given in the following sections on management and monitoring.

Box 7: Maximising the Wildlife Value of New Development

Most developments, whatever their size, can incorporate features to benefit wildlife. In particular, the following should be considered:

- retaining the most valuable existing habitats and features, and ensuring that their viability is not threatened by changes in ground water levels or damage during construction;
- including a high proportion of planting native to the local area (and ideally using plants or seed from local sources) into landscaping schemes, particularly recreating mixtures of species found naturally;
- instigating structural planting along boundaries early on, to provide a refuge for wildlife disturbed by construction, as well as a mature setting for the development;
- where a development is phased, undertaking low cost planting or seeding of vacant sites with native trees, shrubs and wildflowers to provide a temporary wildlife refuge;
- designing planting schemes to form a network of vegetation throughout the site;
- interconnecting the site's habitat network with adjacent habitats;
- using surface water disposal systems to create ponds and wetlands;
- maintaining the natural banks of rivers and streams and incorporating a buffer zone of vegetation;
- putting up bird and bat boxes in trees and buildings.

6. HABITAT MANAGEMENT

6.1 Background

The majority of wildlife habitats have been subject to low intensity management over hundreds of years. Many species are adapted to this traditional management, such as hay cutting or woodland coppicing, and the methods must therefore be continued if they are to survive. Habitats such as heathland or grassland will become invaded by coarse vegetation and scrub in the absence of suitable management. For economic reasons it is vital that the long term management of restored and newly created habitats is addressed, as money spent on restoration or creation projects is wasted in the absence of ongoing care.

6.2 Legislation

Regulation 37 of the Habitats Regulations¹¹ requires that the management of landscape features of importance to wild flora and fauna is addressed in development plans.

The 1981 Minerals Act²⁶ and 1990 Town and Country Planning Act¹⁵ empower minerals planning authorities to impose aftercare conditions on consents where reclamation is to agriculture, forestry or amenity. This power was extended to waste disposal schemes in 1991¹⁶. The required period of aftercare begins from the point where compliance with restoration conditions is reached. A period of no more than five years can be required, although this may be extended by mutual consent where this will enable reclamation objectives to be met.

Section 39 of the Wildlife and Countryside Act¹⁰ empowers local planning authorities to enter into management agreements with land owners or managers for the purpose of conserving or enhancing the natural beauty or amenity of the land, or promoting its enjoyment by the public. These agreements may impose restrictions or obligations on use and management.

6.3 National Policy Guidance

PPS9⁷ states that where there is a risk of damage to a designated site, the planning authority should use conditions or planning obligations ‘to mitigate the harmful aspects of the development and where possible, to ensure the conservation and enhancement of the site’s biodiversity or geological interest.’

Detailed guidance on the use of aftercare conditions for minerals sites is provided by Minerals Planning Policy Guidance 7. Circular 05/2005³³ ‘Planning Obligations’ allows for aftercare schemes, for example those in relation to restoration of minerals sites for nature conservation end uses, to be maintained in perpetuity.

6.4 Regional Spatial Strategy

RSS8 Policy 28 identifies ‘management of features of the landscape which act as corridors and stepping stones’ as a priority for enhancing the region’s biodiversity. RSS8 also recognises the importance of the implementation of LBAPs.

6.5 JSP Policy

Policy 2/1 of the JSP fulfils the requirement of Regulation 37 of the Habitats Regulations and policy 2/6 also encourages the management and monitoring of habitats in connection with new development.

6.6 Guidance for Habitat Management

Development proposals that include the creation of new habitats or the retention or restoration of existing ones should also provide for the management of these features in a way that maintains or enhances their nature conservation value for a period of at least 5 years.

Wherever possible, arrangements should be made to ensure that management will continue in perpetuity, for example by provision of a bond where the interest pays for the management of the site. With respect to minerals and waste developments, restoration for the purpose of 'amenity' as stated in the legislation is taken to include restoration for nature conservation. Planning conditions, obligations and agreements can all be used to secure the ongoing management of features of nature conservation importance. Bonds can be used to secure money in advance from developers to cover the costs of ongoing management for a set period. There is also considerable scope for the use of Section 39 management agreements (see above) between the planning authority and the landowner or developer to achieve biodiversity objectives. These can often be more effective than planning conditions and agreements alone.

A management plan should be required from the developer, produced in consultation with a qualified ecologist, and agreed by the Local Authority. Provision should be made within the management plan for monitoring the impact of management on the nature conservation value of the site in order to inform future decisions. The planning authority should have regard to the guidance in following sections on monitoring.

7. IMPACT ASSESSMENT

7.1 Background

In order for the planning authority to be able to assess an application against development plan policies on biodiversity, it is essential that adequate information on potential impacts is obtained. In this way negative impacts may be avoided or mitigated against, and opportunities for positive gain maximised. Even if no important habitats or species are present on the site itself, there may be impacts beyond the boundaries of the site, such as increased disturbance to nearby wildlife or changes in the hydrology of an adjacent wetland.

7.2 Legislation

Statutory Environmental Impact Assessment (EIA) is compulsory for the types of project listed in Schedule 1 to the Town and Country Planning Regulations 1999¹⁷. For projects of the types listed in Schedule 2, EIA is required if the particular development proposal would be likely to have 'significant effects on the environment'. The decision as to whether an EIA is required (the 'screening opinion') rests with the planning authority, and guidance on thresholds and criteria is set out in the Regulations, and in DETR Circular 02/99¹⁸. As part of the EIA, an Environmental Statement will be submitted by the developer, setting out the project's likely environmental effects. The developer can seek a 'scoping opinion' from the Local Authority as to what should be included in the statement. The Regulations specify that it must identify and assess the effects of the project on flora and fauna. Both screening and scoping opinions may be challenged by appeal, in which case the decision is referred to the Secretary of State.

When a proposed development is likely to have a significant effect on a Special Area for Conservation (SAC), an 'appropriate assessment' must be produced by the planning authority under The Habitats Regulations¹¹. This does not correspond to an EIA, and for some projects EIA will also be necessary.

Local Authorities may secure environmental impact information for any development proposal through exercise of their statutory powers under the Town and Country Planning (Applications) Regulations 1988²⁰ or the Town and Country Planning (General Development Procedures) Order 1995²¹. They must have reasonable grounds for requesting this information. Failure to provide sufficient information with an application may constitute grounds for refusal of planning permission, if the proposal cannot adequately be judged against relevant development plan policies.

7.3 National Policy Guidance

PPS9⁷ sets out six principles to ensure the implications of planning decisions on biodiversity and geological conservation are fully considered. The effect of these will be to ensure that every development proposal with nature conservation implications will require some form of appraisal of its potential impacts.

7.4 Regional Spatial Strategy

RSS8 makes no specific reference to ‘impact assessment’ but Policy 30 requires that Development Plans and other documents should be informed by ‘landscape character assessments’ and Policy 27 provides the principles for protecting the region’s natural assets.

7.5 JSP Policy

Policy 2/1 makes a general provision requiring an “*assessment of sites with the potential for nature conservation interest ...prior to the determination of applications*”.

Policy 2/5, relating to protected species, states that: “*planning permission will not be granted until a full survey of the affected species has been carried out, to the satisfaction of the local planning authority.*”

7.6 Guidance for Statutory Environmental Impact Assessment

An EIA should be required where a proposal for a Schedule 2 development will potentially affect:

- a Site of Special Scientific Interest, Local Nature Reserve or Site of Importance for Nature Conservation;
- an ancient woodland;
- a site supporting a LBAP habitat of conservation concern (as listed in Appendix A);
- a legally protected species which has been recorded on or near the site (it should be noted that the locations of all legally protected species are not, and cannot be, known. It is therefore essential that if habitats or features indicate that legally protected species may occur, a more detailed ecological assessment must be undertaken. A negative record does not mean they are not present).

Local Authorities should consult Nottinghamshire Biological and Geological Record Centre in order to determine if any of the above applies. If a Schedule 2 development is in an environmentally sensitive area, English Nature and the Countryside Agency should be consulted on the likely range of impacts and whether an Environmental Statement is required. The Environmental Statement should be prepared in accordance with DETR Circular 02/99¹⁸ and the Institute of Environmental Assessment’s Guidelines¹⁹. Byron²⁹ provides detailed guidance on EIA for road schemes, much of which is relevant to other forms of development. As an absolute minimum, the EIA should contain the information listed in Box 8 below.

Circular ODPM 06/2005, Defra 01/2005 and the Habitats Regulations¹¹ should be referred to for procedures for SACs.

7.7 Guidance for Non-statutory Ecological Appraisal

Where a proposal for a development not qualifying for statutory EIA has the potential to directly or indirectly affect other features of nature conservation importance, an ecological appraisal should be required from the developer to inform the decision. This should be carried out by an appropriately qualified and experienced ecologist using both existing records and at least one thorough survey of the site at an appropriate time of year (usually late spring or

early summer, depending on the species present) using a standard methodology. Such an appraisal should be carried out at the pre-determination stage, in order to fully inform the planning decision. If necessary, applications should be refused on the grounds of insufficient information if such an appraisal has not occurred. Box 8 identifies the key elements of an appraisal. Although each of these elements should be included, the degree of detail required will vary according to the size of the site and the habitats and species present.

Box 8: Contents of an Ecological Appraisal

- a survey map of habitats and key landscape features of the site according to English Nature Phase 1 methodology;
- a description of the surrounding ecological network, identifying key habitats or landscape features likely to be affected indirectly by the proposed development;
- key species that are likely to be affected, either directly or indirectly, by the development. This should include a review of existing records and targeted surveys where necessary. The methodology of any surveys must be clearly described, and the Nottinghamshire Biological and Geological Records Centre contacted for existing records;
- an objective evaluation of these habitats and species according to their status within the Nottinghamshire LBAP, UKBAP, national and local Red Data Books and relevant legislation, clearly stating the criteria by which this evaluation is made;
- an objective assessment of the value of the site according to the Ratcliffe Criteria (a standard method employed by ecologists to evaluate sites for nature conservation);
- a description of the nature, scale, duration and significance of potential direct and indirect effects on habitats and species arising from the proposed development, stating criteria used.
- how the applicant proposes to: Avoid harm to the biodiversity interest;
Mitigate to reduce harm that cannot be avoided;
Compensate for the loss of habitats or species;
Enhance biodiversity over and above compensation.

8. MONITORING

8.1 Background

The natural world is incredibly complex, and in many cases our knowledge of how particular human activities will affect biodiversity is poor. This can apply to activities intended to benefit biodiversity as well as to those that are potentially damaging. For this reason monitoring the effects of different types of development on biodiversity is vital in order to improve the state of our knowledge and to help inform future planning decisions. It is also important to assess the effectiveness of policies intended to protect and enhance the environment.

Monitoring can be used to ensure compliance with conditions or obligations, assess the effectiveness of mitigation or enhancement works against the stated objectives, validate or disapprove assumptions made during the planning and design process and identify changes in baseline conditions. It is important that the results are used by Local Authorities to influence their planning and management practices, for unless it leads to positive changes, monitoring is redundant.

8.2 JSP Policy

Policy 2/6 of the JSP makes provision for long term management and monitoring of wildlife habitats, in relation to new developments. The supporting text recognises the importance of this in order to achieve the step change in biodiversity promoted through RSS8.

8.3 Guidance for Biodiversity Monitoring

Where permission for development is accompanied by conditions or obligations requiring conservation measures to be undertaken (to reduce, mitigate or compensate impacts, or to restore, create or manage features of nature conservation interest) there should be an additional requirement to prepare and implement a monitoring scheme for an appropriate length of time (usually at least five years, depending on the habitats and species present). Appendix F contains examples of conditions incorporating monitoring requirements.

The monitoring scheme should be designed using recognised ecological methods to ensure compliance with conditions and obligations, and to measure the effectiveness of conservation works against the stated aims and objectives. The resulting information should be used to review and revise ongoing management schemes and should be submitted to the Local Authority for use in the assessment and revision of planning and management practices.

9. COMMUNITY AWARENESS AND PARTICIPATION

9.1 Background

Biodiversity conservation ultimately depends on the actions of individuals. Maintaining a healthy environment cannot be left to organisations alone, but can only be achieved when everyone in the community takes action. By encouraging public participation, Local Authorities and developers can increase the probability that their actions will be supported by the wider community. Local people can have an important role to play in:

- identifying locally important features that may be retained within development;
- the design of, and practical assistance with, the creation of new features;
- the active restoration, long term management and monitoring of habitats and species.

Another key role of Local Authorities in increasing awareness of biodiversity issues is ensuring that the public have access to sites close to their homes. This is particularly important in urban areas, where wildlife-rich green spaces such as parks and nature reserves may provide the only opportunity for many people to have contact with nature.

9.2 Policy Context

The Local Agenda 21 process strives to increase the participation of individuals in improving the social, economic and environmental well-being of their communities. The LBAP³ is an important element of this, helping to raise awareness of key issues and encourage everyone in the County to take action to improve their local environment. In particular, the LBAP³ emphasises the importance of access to wildlife sites close to home, and of promoting participation in nature conservation.

The Planning and Compulsory Purchase Act 2004 creates the ‘new style’ Development Plans which require a ‘Statement of Community Involvement’ within the Local Development Framework. These Statements of Community Involvement are well placed documents to encourage local communities to engage in the planning process, with specific reference to increasing awareness and understanding of biodiversity. The Planning and Compulsory Purchase Act also requires co-ordination between Community Strategies and the Development Plan (including any constituent parts such as Supplementary Planning Documents).

The Local Government Act 2000²⁷ requires Local Authorities to prepare Community Strategies, which should “incorporate planning for local action on biodiversity”. These Community Strategies, which aim to improve quality of life and contribute towards sustainable development in the UK, actively involve the local community in articulating needs and priorities, and are an important vehicle to stimulate and facilitate community awareness and participation.

9.3 Guidance for Community Involvement

Provision should be made in the planning and development process for local communities to participate in decisions over the protection and enhancement of sites and features of local nature conservation importance wherever appropriate. The products of this participation may

be formalised through planning conditions and obligations. Developers should be encouraged to publicise their efforts to protect and enhance biodiversity, in order to raise awareness among key sectors and the general public of what can be achieved.

When granting planning permission, provision should be made for public access to sites of nature conservation interest wherever appropriate. This should not conflict with the nature conservation interest, other uses of the site or the wishes of the landowner. Access may be achieved through the creation of Local Nature Reserves, or through planning obligations and management and access agreements. Consideration should be given to the need to make provision for interpretation, such as leaflets, signs or educational facilities.

APPENDIX A: Habitats and Species of Conservation Concern in Nottinghamshire

Habitats: The following habitats are identified in the Nottinghamshire Local Biodiversity Action Plan as being of conservation concern in the County. Habitats indicated in **bold type** are those also listed as Priority Habitats in the UK Biodiversity Action Plan.

Wet broadleaved woodland
Oak-birch woodland
Mixed ash dominated woodland
Lowland wood pasture and parkland (to be added)
Lowland heathland
Ancient and/or species rich hedgerows (to be added)
Ditches (Not yet written)
Cereal field margins* (combined within Farmland habitat action plan (HAP) to be added)
Lowland wet grassland (included in UK key habitat ‘coastal and floodplain grazing marsh’)
Unimproved neutral grassland (equivalent to UK key habitat ‘lowland hay meadow’)
Lowland dry acid grassland
Lowland calcareous grassland
Reedbed
Fen} (Combined into 1 HAP to be added)
Marsh }
Eutrophic standing waters
Mesotrophic standing waters
Rivers and streams
Canals (To be added)
Saline lagoons (no separate plan – actions contained within Urban and post industrial HAP)
Urban land } Combined
Post-industrial land }

The following habitats are also listed in the LBAP because, although they may be of little existing wildlife value, they could become valuable given appropriate restoration, and are therefore important opportunities for biodiversity conservation. These habitats are excluded from the policy and guidance in this document on LBAP priority habitats, although where they are affected by a proposal, consideration should be given of any existing biodiversity value, and of the potential for restoring them to more valuable habitats as part of the development.

Planted coniferous woodland (to be added)

Arable fields*(**combined within Farmland habitat action plan (HAP) to be added**)

Improved grassland*(**combined within Farmland habitat action plan (HAP) to be added**)

Additional HAPs to be added– The Nottinghamshire Dumbles

Species: Over 900 plant and animal species are listed in the Local Biodiversity Action Plan as being of conservation concern for reasons of international, national or local rarity, threat or decline. The conservation of most of these species can be addressed through the conservation

of their habitats. However, some species have such specific requirements that habitat action plans are not enough, and individual species action plans are needed. The following species are those for which county species action plans have been produced. It is important to remember that these species are not necessarily more threatened, or more important than, other listed species.

Bats (all species)
Otter
Water vole
White clawed crayfish
Grizzled and dingy skipper butterflies
Barn owl
Nightjar

(Atlantic salmon and Nottingham crocus species action plans to be added)

APPENDIX B: Legally Protected Species

The following is a list of species likely to be encountered in Nottinghamshire, which have specific legal protection. It is based on the leaflet 'Protected Species and Development', produced by Baker Shepherd Gillespie, and is intended as an overview only.

Species and Legislation	Protection: 'it is an offence to'	Optimal Survey Time	Survey Triggers
Plants listed on Schedule 8 Section 13 Wildlife and Countryside Act.	Intentionally pick, uproot or destroy any wild plant listed.	Spring-autumn when flowering.	As required for ecological assessment
All wild birds Section 1 Wildlife and Countryside Act.	Intentionally kill, injure or take any wild bird, take, damage or destroy its nest while in use or being built, or take or destroy its egg.	Breeding birds: mainly spring. Wintering wetland birds: Oct-March.	As required for ecological assessment
Birds listed on Schedule 1 Wildlife and Countryside Act	As above. In addition, disturb these species while building a nest, or on or near a nest containing eggs or young. Disturb dependant young.	Breeding birds: mainly spring. Wintering wetland birds: Oct-March.	As required for ecological assessment Check old and derelict rural buildings for barn owls.
Bats (all British species) Section 9 Wildlife and Countryside Act Schedule 2 Habitats Regulations	Intentionally kill, injure or take. Damage, destroy or obstruct access to a place of shelter or protection. Disturb while in such a place.	To enter and survey a known roost requires a licence. Surveys of summer roosts and feeding best April to September.	Buildings, cellars, bridges, tunnels, caves, mines, culverts, trees with rot holes.
Water vole Section 9 Wildlife and Countryside Act.	Intentionally damage, destroy or obstruct access to a place of shelter or protection. Disturb while in such a place.	March-October	Rivers, streams, ditches, canals and water bodies.
Dormouse Section 9 Wildlife and Countryside Act Schedule 2 Habitats Regulations	Intentionally kill, injure or take. Damage, destroy or obstruct access to a place of shelter or protection. Disturb while in such a place.	April-Sept. Searches for chewed hazel nuts can be made all year.	Woodland, usually old or ancient in character.
Badger Protection of Badgers Act	Intentionally kill, injure or take from the wild. Damage, destroy or obstruct access to a sett (the use of machinery is prohibited within 30m). Allow dogs to enter a sett. Cruelly ill-treat a badger.	Survey may be needed at several times of year to determine badger activity.	Advisable to check for every development, particularly where woodland or hedgerows are nearby.
Otter Section 9 Wildlife and Countryside Act Schedule 2 Habitats Regulations	Intentionally kill, injure or take. Damage, destroy or obstruct access to a place of shelter or protection. Disturb while in such a place.	Search for signs at any time. Best Nov-Jan.	Rivers, streams and water bodies.
Great crested newt Section 9 Wildlife and Countryside Act Schedule 2 Habitats Regulations	Intentionally kill, injure or take. Damage, destroy or obstruct access to a place of shelter or protection. Disturb while in such a place.	Land search: March-Sept Water search: Feb-May	Rural and urban ponds and surrounding areas.
Slow worm, grass snake, common lizard and adder	Intentionally kill or injure these species.	Throughout the summer, but best	Railway and derelict land, heath,

Section 9 Wildlife and Countryside Act		April-June and Sept.	dry and wet grassland.
White clawed crayfish Section 9 Wildlife and Countryside Act	Intentionally take from the wild.	Survey by trapping or hand searching. Best late spring-autumn.	Rivers and streams.

Also included in the Wildlife and Countryside Act are over 200 species of invertebrate, fish, moss, liverwort, lichen and fungus.

APPENDIX C: Generic Actions for Biodiversity

Local Authorities (District, Borough, City and County Councils) have the following general responsibilities under the Nottinghamshire Local Biodiversity Action Plan (LBAP), which relate to land use planning.

Designated Sites

- Ensure no further loss of designated wildlife sites.
- The Nottinghamshire Sites of Importance for Nature Conservation (SINC) series should include at least one representative example of each LBAP priority habitat.
- All SINC sites should be notified to landowners, with the implications of the designation and the interest of the site explained. Advice should be available to encourage appropriate management.

Land Management

- In any scheme to create new areas of habitat or improve existing ones, use only species that occur naturally in the Regional Character Area and only stock of known local origin. Consider setting up nurseries to supply plants of local genetic stock.
- Allow no further loss of designated wildlife sites, or other areas of importance for biodiversity to afforestation.
- Ensure no further loss of wetlands of importance for priority habitats and species to development, agriculture or over-abstraction, and restore damaged wetlands by reinstating water levels wherever possible.
- Ensure that the actual or potential value for biodiversity of public green space in urban areas is recognised and that biodiversity objectives are incorporated into the management of all such sites.

Land Use Planning

- The Precautionary Principle should guide every land use decision, as required by PPS9 and the Joint Structure Plan. This means that where there are significant risks of damage to the environment, the presumption should always be against development, even where accurate scientific information is unavailable.
- Biodiversity should be a consideration in all land use decisions, not just those affecting designated sites. The possible effects of all development proposals on biodiversity must be systematically assessed, both within and beyond the proposed development's boundaries. The UK Biodiversity Action Plan stresses that the onus for assessing environmental impacts rests with those making the proposals.
- The perceived local economic value of development proposals must be carefully weighed against the national and international status of species, habitats and sites.

- The translocation of habitats and species should only be considered as a last resort.
- Biodiversity conservation policies (not just those protecting key sites) should be incorporated into Regional Planning Guidance, the Joint Structure Plan and all local plans/development plan documents at the earliest possible opportunity, and must be effectively adhered to. This is in accordance with PPS9 and the EC Habitats Directive.
- All Local Authority strategic plans should be subject to Strategic Environmental Appraisal (as required by PPS12), to ensure they are consistent with sustainable development. This must take into account all effects on the environment, including those that cannot be given an economic value.

Education

- Ensure that all officials involved in decisions that affect biodiversity are adequately trained, or have sufficient access to expertise to make well-informed judgements.

Public Awareness and Involvement

- Stimulate local action for biodiversity, and strengthen local pride in the environment by involving communities in setting conservation objectives and in managing protected sites wherever possible.
- Provide interpretation on wildlife sites wherever appropriate.

APPENDIX D: Habitat and Species Action Plans

Local Authorities (District, Borough, City and County Councils) have the following responsibilities for specific habitats and species under the Nottinghamshire Local Biodiversity Action Plan, which relate to land use planning. Refer to the LBAP for more detailed action plans, including other Local Authority responsibilities. Another eleven action plans are due to be added to the LBAP in 2001.

SPECIES / HABITAT	TARGET	LA ACTIONS
Oak-birch woodland	Maintain existing area. Develop detailed inventory of resource and set target for expansion by 2005.	<ul style="list-style-type: none"> • Allow no further loss. • Declare LNRs in suitable areas.
	Expand area by restoration and planting (specific target to be set).	<ul style="list-style-type: none"> • Seek opportunities to create new areas through approved developments.
Mixed ash-dominated woodland	Develop detailed inventory of resource and set target for expansion by 2005.	<ul style="list-style-type: none"> • Seek opportunities to create new areas through approved developments.
	Maintain existing area.	<ul style="list-style-type: none"> • Allow no further loss. • Declare LNRs on suitable areas. • Improve connections between areas of woodland by protection, enhancement and creation of complementary habitats and linking features.
Wet broadleaved woodland	Develop detailed inventory and set target for expansion by 2005.	<ul style="list-style-type: none"> • Seek opportunities to create new areas through approved developments.
	Maintain existing area, and initiate restoration of degraded examples by 2005.	<ul style="list-style-type: none"> • Allow no further net loss. • Declare LNRs on suitable areas.
Lowland heathland (including dry acid grassland in Sherwood and East Notts Sandlands)	Bring 80% of the County's heathland into appropriate management.	<ul style="list-style-type: none"> • Allow no further loss. • Declare LNRs in suitable areas.
	Increase area by at least 200ha by 2005.	<ul style="list-style-type: none"> • Seek opportunities to create new heaths through approved developments, particularly in areas identified by the Notts Heathland Recreation Plan. • In Regional Character Areas that support the habitat, there should be a presumption in favour of re-establishing it on derelict land or ex-mineral extraction sites.
Dry Acid Grassland (outside Sherwood and East Notts Sandlands)	Determine current extent and set targets for expansion by 2005.	<ul style="list-style-type: none"> • Seek opportunities to create new areas through approved developments.
	Allow no further net loss.	<ul style="list-style-type: none"> • Allow no further net loss.
	Secure favourable management of 30% of the resource by 2005 and as near to 100% as possible by 2015.	<ul style="list-style-type: none"> • Declare LNRs in suitable areas. • Ensure Notified Road Verges are protected and managed appropriately.
	Within SSSIs, initiate rehabilitation management for all significant stands in unfavourable condition by 2005, with the aim of achieving favourable status wherever feasible by 2010.	

Unimproved neutral grassland	Secure favourable management of all SSSIs where unimproved neutral grassland is a qualifying feature by 2010.	
	Maintain existing area. Determine current extent, and set a target for expansion by 2005.	<ul style="list-style-type: none"> • Allow no further loss of significant areas. • Declare LNRs in suitable areas.
	Expand area by restoration and creation (specific target to be set).	<ul style="list-style-type: none"> • Seek opportunities to create new areas through approved developments.
Calcareous grassland	Develop inventory by 2000, and formulate target for expansion.	<ul style="list-style-type: none"> • Seek opportunities to create new areas through approved developments.
	Allow no further loss.	<ul style="list-style-type: none"> • Allow no further loss.
	Bring 30% into appropriate management by 2005, and as near to 100% as possible by 2015.	<ul style="list-style-type: none"> • Declare LNRs in suitable areas. • Ensure Notified Road Verges are protected and managed appropriately.
	Within SSSIs, initiate rehabilitation management for all significant stands in unfavourable condition by 2005, with the aim of achieving favourable status wherever feasible by 2010.	
Lowland wet grassland	Identify and confirm conservation status of all areas over 5ha by 2000.	
	Ensure that all wet grasslands of conservation interest are given necessary protection and are appropriately managed by 2005.	<ul style="list-style-type: none"> • Allow no further loss of significant areas. • Declare LNRs in suitable areas.
	Identify opportunities for rehabilitating/ creating 200ha by 2005 and achieve this by 2010.	<ul style="list-style-type: none"> • Promote the habitat as an after use for mineral extraction sites. • Promote lowland wet grassland opportunities through planning policy.
Reedbed	Identify and confirm conservation status of all reedbeds over 2ha. Ensure they are given protection and management by 2005.	<ul style="list-style-type: none"> • Declare LNRs in suitable areas. • Ensure that development schemes do not affect the integrity or conservation interest of reedbeds.
	Create or restore reedbeds on areas of low conservation value, preferably in blocks of more than 20ha, to achieve a county resource of 100ha by 2010.	<ul style="list-style-type: none"> • Promote reedbed as an after use for mineral extraction sites.
Rivers and Streams	Maintain and enhance the existing habitat and species diversity.	<ul style="list-style-type: none"> • Ensure that development likely to negatively impact on river systems is minimised or mitigated against. • Ensure that actions recommended in Local Environment Agency Plans are implemented.
	Enhance, through sensitive management and habitat creation, the habitat and species diversity of at least 100km of main river by 2010.	
	Identify opportunities by 2005 for restoring a more natural structure in stretches of main river from which it has been lost.	
	Restore more natural flow, in terms of water level and flow to rivers	

	and streams wherever possible.	
	Improve the water quality of all main rivers currently below optimum by at least 1 GQA class by 2010.	
Eutrophic (nutrient rich) and mesotrophic (intermediate nutrient level) standing waters.	Develop an inventory of standing water bodies of particular actual or potential biodiversity value by 2005. Formulate a target for the creation of new areas and the restoration of existing ones.	<ul style="list-style-type: none"> • Seek opportunities to create new ponds and lakes through approved developments. • Through planning control, ensure that run-off from new developments is directed into watercourses or groundwater units using swales, infiltration lagoons, balancing ponds, reed beds etc., to minimise pollution and maximise conservation benefit. • Promote the opportunities for wetland nature reserves presented by gravel extraction and mining on areas of low existing biodiversity value.
	Maintain and enhance the conservation value of the existing area of standing water habitat through sympathetic management.	<ul style="list-style-type: none"> • Allow no further loss of standing water areas of significant conservation value. • Through planning control, ensure that the potential effects on wildlife of changes in recreational use of ponds and lakes are properly assessed, and adverse effects prevented. • Declare LNRs in suitable areas.
Urban and post-industrial habitats	Identify and confirm the status of all urban and post-industrial sites of significant conservation value by 2005.	
	Establish mechanisms to protect and maintain viable networks of wildlife sites and corridors in all urban areas by 2010, ensuring that all urban inhabitants have access to areas rich in wildlife within 1/4 mile of where they live.	<ul style="list-style-type: none"> • Through planning control, ensure that viable networks of wildlife sites and corridors are maintained in all urban areas. • Seek opportunities to create areas of new habitat through approved development. • Where derelict or mineral extraction sites are converted to greenspace, there should be a presumption in favour of restoration to habitats of conservation value, particularly where these will link or extend existing habitats. • Ensure that features such as highway trees, Notified Road Verges and ancient hedgerows are protected. • Maximise the biodiversity value of amenity planting and landscaping schemes by using locally native species and incorporating features such as bat boxes wherever possible.
	Secure sympathetic management on 75% of urban SINCs by 2005, increasing this to as near 100% as practicable by 2010.	

Bats (all species)	Establish a base-line monitoring scheme by 2000. Set targets for increasing population levels.	
	Enhance roosting sites and important feeding habitats with the aim of increasing population levels.	<ul style="list-style-type: none"> • Encourage the use of bat-friendly design features in new buildings and the renovation of existing structures.
	Maintain known populations.	<ul style="list-style-type: none"> • Bats must be considered at an early stage of any work that may affect them. LAs should adopt policies and procedures to ensure that the presence of bats is a material consideration.
Otter	Establish a baseline monitoring scheme by 2000.	
	Enhance riverside habitats in all river catchments to a level that will encourage otter colonisation by 2005.	<ul style="list-style-type: none"> • Ensure that information on otters is made available to key groups, including developers, by publication of guidelines.
	Restore breeding otters to all rural river catchments by 2010 by natural recolonisation.	
Water vole	Ensure that water voles are present throughout their 1970s range by 2010.	
	Maintain the current distribution and abundance.	<ul style="list-style-type: none"> • Promote awareness of the legal protection afforded to water voles. • Avoid damage to actual or potential water vole habitat, and explore opportunities for restoring watercourses to a more natural structure.
White-clawed crayfish	Establish the status and distribution by 2005. Formulate a target for increasing distribution.	
	Maintain known populations.	<ul style="list-style-type: none"> • Avoid damage to known populations.
Grizzled and dingy skipper butterflies	Establish a baseline survey by 2000.	
	Bring all current sites supporting the species into appropriate management by 2005.	<ul style="list-style-type: none"> • Protect all known sites supporting the species (mainly disused railway lines) from damaging development. • Designate at least one site as a Local Nature Reserve.
	Increase the distribution to 1970-88 levels by 2010.	
Barn owl	Determine the current status and distribution by 2005 and formulate a target for expansion.	
	Maintain the current distribution and abundance.	<ul style="list-style-type: none"> • Promote awareness of the legal protection afforded to barn owls. • When assessing applications for the conversion of old or derelict agricultural buildings, ensure that barn owl nests or roosts and adjacent habitats are protected.
	Create nesting sites and maintain and enhance suitable feeding habitats with the aim of increasing population levels.	<ul style="list-style-type: none"> • Encourage the use of barn owl boxes both in new and renovated structures.
Nightjar	Maintain the current distribution and abundance.	<ul style="list-style-type: none"> • Promote awareness of the legal protection afforded to nightjars.

	Increase the number of breeding pairs to 72 by 2005.	
--	--	--

APPENDIX E: Joint Structure Plan Policies

Nottinghamshire and Nottingham Joint Structure Plan

The Nottinghamshire and Nottingham Joint Structure Plan, contains the following policies mentioned in this Guide:

Policy 2/1-SUSTAINING BIODIVERSITY

Planning permission will not be granted for development which will adversely affect the integrity or continuity of landscape features which are of major importance for wild flora and fauna and habitats and species identified in the UK and Nottinghamshire Local Biodiversity Action Plans, unless an overriding need for the development is demonstrated which clearly outweighs the nature conservation value of the habitat or species. Appropriate management of these features will be encouraged through the use of conditions, planning obligations and management agreements.

An assessment of sites with the potential for nature conservation interest will be required prior to the determination of applications. Where planning permission is granted and harm cannot be avoided or mitigated, condition and/or planning obligations will be used for the creation of an equivalent (or greater) feature that would make a positive contribution towards the targets of the Biodiversity Action Plan.

Policy 2/2 SPECIAL AREAS OF CONSERVATION

Development that may affect a Special Area of Conservation or a candidate Special Area of Conservation will be subject to the most rigorous examination. Development that is not directly connected with or necessary to the management of the site for nature conservation, which is likely to have a significant effect on the site (either individually or in combination with other plans or projects) and where it cannot be ascertained that it would not adversely affect the integrity of the site, will not be permitted unless:

- a) there is no alternative solution; and if so,
- b) there are imperative reasons of overriding public interest.

Where the site hosts a priority natural habitat and/or a priority species, development will not be permitted unless the authority is also satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for the environment.

Where planning permission is granted compensatory measures will be secured either as part of the proposed development or through the use of conditions and/or planning obligations.

Policy 2/3 SITES OF SPECIAL SCIENTIFIC INTEREST

Development in or likely to affect Sites of Special Scientific Interest will be subject to special scrutiny. Where such development may have an adverse effect, either directly or indirectly, on the special interest of the site, planning permission will not be granted unless the reasons for the development clearly outweigh the nature conservation value of the site itself and the national policy to safeguard such sites.

Where planning permission is granted, conditions and/or planning obligations will be used to provide appropriate mitigation and compensation measures.

Policy 2/4 REGIONALLY IMPORTANT GEOLOGICAL SITES, SITES OF IMPORTANCE FOR NATURE CONSERVATION AND LOCAL NATURE RESERVES

Development likely to have an adverse effect on a Regionally Important Geological Site, a Site of Importance for Nature Conservation or a Local Nature Reserve will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal that outweigh the need to safeguard the nature conservation value of the site.

Where planning permission is granted, harm to the nature conservation interest must be minimised and conditions and/or planning obligations will be used to provide appropriate mitigation and compensation measures.

Policy 2/5 PROTECTED SPECIES

Planning permission for development likely to cause harm to a species or its habitat protected in law, will only be permitted where it is demonstrated that there is an overriding need for the development. Planning permission will not be granted until a full survey of the affected species has been carried out, to the satisfaction of the local planning authority.

Where such development is permitted, conditions and/or planning obligations will be used to secure the protection of the affected species.

Policy 2/6 WILDLIFE HABITAT CREATION

Where planning permission for new developments is granted opportunities will be sought to:

- a) create and manage new wildlife habitats and enhance the nature conservation resource of the Plan Area;
- b) create corridors and linking features, both in urban and rural areas, that contribute to the targets set out in the Local Biodiversity Action Plan;
- c) where appropriate make provision for public access to, and recreation in, areas of nature conservation value; and
- d) make provision for long term management and monitoring.

Policy 2/8 TREES AND WOODLANDS

Planning permission for development which would result in the loss of areas of trees or woodlands, including ancient woodland, amenity (parkland) trees or individual street trees in both urban and rural areas, will only be permitted where an overriding need for the development can be demonstrated which clearly outweighs the loss of the trees or woodlands.

Where such a need is demonstrated, conditions and/or planning obligations will be used to secure the creation of at least an equivalent area of new tree or woodland planting.

Tree planting will be encouraged, where appropriate, through development proposals in the Greenwood Community Forest and Sherwood Forest areas for nature conservation, timber production, recreation, tourism and amenity purposes.

APPENDIX F: Specimen Planning Conditions

The following are examples of the types of conditions that can be attached to planning permissions to prevent harm to biodiversity and to secure nature conservation benefits. This is not intended to be a comprehensive list, instead it is to provide a framework within which other conditions can be formulated and the precise wording of any condition will need to be adapted to suit specific circumstances.

Designated Sites

Conditions may be used to enforce measures to prevent damage to SSSIs, SINCs, LNRs or other designated sites from new development. Where an SSSI is involved these measures must be agreed with English Nature.

Habitats

1. *Prior to the commencement of the development, a scheme for the identification, protection, enhancement and management of trees and hedgerows situated on the boundary of the site or in areas which are not to be affected by the development shall be submitted to, and agreed in writing by, the [LPA] for approval. The approved scheme shall be implemented according to a timetable agreed in writing by the [LPA].*
2. *The development shall not be commenced until a scheme for the establishment of [specified habitat] on the area identified has been submitted to, and approved in writing by, the [LPA]. The approved scheme shall be implemented according to a timetable agreed in writing by the [LPA]. The scheme shall include:*
 - a) *a detailed methodology for habitat creation, including species mix, method of establishment and timescale;*
 - b) *a maintenance and management programme for a [five] year aftercare period from the completion of the establishment phase, which shall include botanical monitoring and the carrying out of any remedial works necessary.*

Protected Species

Any mitigation measures or other conditions imposed must be produced under consultation with English Nature. The preferred option is always to maintain populations in situ.

1. *No operations shall be undertaken between the months of [March and September] until measures to ensure the protection of nesting birds have been submitted to, and agreed in writing by, the [LPA]. The operation shall be carried out in accordance with the approved measures.*

Note: Whilst it is suggested that this could be used as a condition, it could be adapted to a note relating to all protected species and attached to all planning permission notices (in a similar way to the note relating to the potential need for building regulation approval). In this case, reference should also be made to the need to contact English Nature and Nottinghamshire County Council's Conservation Group.

Restoring and Enhancing Biodiversity

- 1. No development will commence until a scheme for the planting of hedgerows and trees has been submitted to, and improved in writing by, the [LPA]. Such a scheme will give details of the size, number, spacing, species, protection and post-planting management of trees and shrubs in these areas and the timetable of works. The approved scheme shall be implemented according to the agreed timetable.*
- 2. Development shall not commence until a detailed plan, including management provisions of a wildlife buffer with a minimum width of [X]m from the [specified] boundary of the site, has been submitted to, and approved in writing by, the [LPA].*

APPENDIX G: References

1. Nottinghamshire County Council and Nottingham City Council (2006) *Nottinghamshire and Nottingham Joint Structure Plan: Explanatory Memorandum* Nottinghamshire County Council and Nottingham City Council
www.nottinghamshire.gov.uk/structure_plan
2. Department of the Environment (1994) *Biodiversity: The UK Action Plan* Cm 2428 HMSO, London
<http://www.ukbap.org.uk/librarysearchresults.aspx?ID=526>
3. Nottinghamshire Biodiversity Action Group. Taylor, J K (ed) (1998) *Local Biodiversity Action Plan for Nottinghamshire* Nottinghamshire County Council
<http://www.nottsbag.org.uk/> (*)
4. United Nations Conference on Environment and Development (UNCED) (1992) *Convention of Biological Diversity* United Nations
<http://www.iisd.ca/biodiv/cbdintro.html> (*)
5. UK Biodiversity Steering Group (1995) *Biodiversity: The UK Steering Group Report, Volume 1: Meeting the Rio Challenge* HMSO London
<http://www.ukbap.org.uk/librarysearchresults.aspx?ID=619> (*)
6. UK Local Issues Advisory Group (1997) *Guidance Notes for Local Biodiversity Action Plans* Local Government Management Board / UK Biodiversity Steering Group
<http://www.ukbap.org.uk/> (*)
7. ODPM (2005) *Planning Policy Statement 9: Biodiversity and Geological Conservation* TSO London
<http://www.odpm.gov.uk/index.asp?id=1143832>
8. European Community Council (1992) *Directive on the Conservation of Natural Habitats of Wild Fauna and Flora (The Habitats Directive)* 92/43/EEC
<http://www.jncc.gov.uk/page-1374>
9. Nottinghamshire County Council (1998) *Nottinghamshire Landscape Guidelines* Nottinghamshire County Council / Countryside Commission
<http://www.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm> (*)
10. *Wildlife and Countryside Act 1981* HMSO London
<http://www.naturenet.net/law/wca.html>
11. *Conservation (Natural Habitats &c.) Regulations 1994* HMSO London
http://www.opsi.gov.uk/si/si1994/Uksi_19942716_en_1.htm
12. *National Parks and Access to the Countryside Act 1949* HMSO London
13. *Hedgerow Regulations 1997* SI 1997/1160 HMSO London
<http://www.opsi.gov.uk/si/si1997/19971160.htm>

14. Nature Conservancy Council (1990) *Nottinghamshire Inventory of Ancient Woodland* Nature Conservancy Council
15. *Town and Country Planning Act 1990* HMSO London
http://www.opsi.gov.uk/acts/acts1990/Ukpga_19900008_en_1.htm
16. *Planning and Compensation Act 1991* HMSO London
http://www.opsi.gov.uk/acts/acts1991/Ukpga_19910034_en_1.htm
17. *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999* SI 1999/0293 HMSO London
<http://www.opsi.gov.uk/si/si1999/19990293.htm>
18. DETR (1999) *DETR Circular 02/99: Environmental Impact Assessment* HMSO London
<http://www.odpm.gov.uk/index.asp?id=1144401>
19. Institute of Environmental Assessment (1995) *Guidelines for Baseline Ecological Assessment* E&FN Spon London
20. *Town and Country Planning (Applications) Regulations 1988* HMSO London
http://www.opsi.gov.uk/si/si1988/Uksi_19881812_en_1.htm
21. *Town and Country Planning (General Development Procedures) Order 1995* HMSO London
http://www.opsi.gov.uk/si/si1995/Uksi_19950419_en_1.htm
22. East Midlands Regional Planning Forum (2005) *Regional Spatial Strategy for the East Midlands (RSS8)*
<http://www.goem.gov.uk/goem/psc/suscom/rss/> (*)
23. *Countryside and Rights of Way Act 2000* HMSO London
<http://www.opsi.gov.uk/acts/acts2000/20000037.htm>
24. *Town and Country Planning (Trees) Regulations 1999* SI 1999/1892 HMSO London
<http://www.opsi.gov.uk/si/si1999/19991892.htm>
25. *Protection of Badgers Act 1992* HMSO London
http://www.opsi.gov.uk/acts/acts1992/Ukpga_19920051_en_1.htm
26. *Town and Country Planning (Minerals) Act 1981* HMSO London
http://www.opsi.gov.uk/si/si1987/Uksi_19872002_en_1.htm
27. *Local Government Act 2000* HMSO London
<http://www.opsi.gov.uk/acts/acts2000/20000022.htm>
28. Nottingham City Council (2000) *Nature Conservation Strategy* Nottingham City Council
http://www.nottinghamcity.gov.uk/sitemap/nature_conservation_strategy (*)

29. Byron, H (2000) *Biodiversity and EIA: A Good Practice Guide for Road Schemes*
30. RTPI (1999) *Planning for Biodiversity: A Good Practice Guide* RTPI London
<http://www.rtpi.org.uk/resources/publications/environment/guide/index.html> (*)
31. English Nature (2000) *A Species Handbook for Local Authorities: Guide Notes For Consideration Of Protected Species Within Local Planning* English Nature
Peterborough
32. Circular ODPM 06/2005, Defra 01/2005 *Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System* TSO London
<http://www.odpm.gov.uk/index.asp?id=1144318>
33. Circular 05/2005 *Planning Obligations* TSO London
http://www.odpm.gov.uk/embedded_object.asp?id=1144320

Websites noted with (*) are not direct links to the document but provide information about it.

APPENDIX H: Useful Contacts

Countryside Conservation (ecology and forestry advice)

Nottinghamshire County Council

Trent Bridge House

Fox Road

West Bridgford

Nottingham

NG2 6BJ

☎ 0115 977 4391

conservation.en@nottscc.gov.uk

Nature Conservation Advisor

Dept of Leisure and Community Services

Nottingham City Council

Woodthorpe Grange

Sherwood

Nottingham

NG5 4HA

☎ 0115 915 5555

Arboricultural Officers

Nottingham City Contract Works

Nottingham City Council

Eastcroft Depot

London Road

Nottingham

NG2 3AH

☎ 0115 915 5555

arboretum@nottinghamcity.gov.uk

Nottinghamshire Biological and Geological Records Centre

Natural History Museum

Wollaton Hall

Nottingham

NG8 2AH

☎ 0115 915 3900

nbgrc@ncmg.org.uk

The Biodiversity Officer

Nottinghamshire Biodiversity Action Group

c/o Nottinghamshire County Council

Trent Bridge House

Fox Road

West Bridgford

Nottingham

NG2 6BJ

☎ 0115 977 4213

conservation.en@nottscc.gov.uk

English Nature

The Maltings

Wharf Road

Grantham

Lincolnshire

NG31 6BH

☎ 01476 584800

eastmidlands@english-nature.org.uk

The Environment Agency


Trentside Offices
Scarrington Road
West Bridgford
Nottingham
NG2 5FA

 0115 945 5722 enquiries@environment-agency.gov.uk *


Nottinghamshire Wildlife Trust
The Old Ragged School
Brook Street
Nottingham
NG1 1EA

 0115 958 8242 nottswt@cix.co.uk

North and South Nottinghamshire Bat Groups
c/o Dr Sheila Wright
Natural History Museum
Wollaton Hall
Nottingham
NG8 2AH

 0115 915 3905

The Royal Society for the Protection of Birds
Westleigh Mews
Wakefield Road
Denby Dale
Huddersfield
West Yorkshire
HD8 8QD

 01484 861148

E-mail addresses noted with * are general enquiry addresses, not necessarily to the district office listed.