

ASHFIELD DISTRICT COUNCIL



Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Local Plan Development Panel

Date: **Tuesday, 17th January, 2023**

Time: **11.00 am**

Venue: **Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield**

For any further information please contact:

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Local Plan Development Panel

Membership

Chairman: Councillor Daniel Williamson

Vice-Chairman: Councillor John Smallridge

Councillors:

Arnie Hankin

Keir Morrison

Kevin Rostance

Jason Zadrozny

Rachel Madden

Matthew Relf

Lee Waters

FILMING/AUDIO RECORDING NOTICE

This meeting may be subject to filming or audio recording. If you have any queries regarding this, please contact Members' Services on 01623 457317.

SUMMONS

You are hereby requested to attend a meeting of the Local Plan Development Panel to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



Theresa Hodgkinson
Chief Executive

AGENDA

Page

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests.**
3. To receive the minutes of the meeting of the Panel held on 15 November 2022. 5 - 8
4. **Cabinet Decision 13 December 2022: Scenario 2.**
5. **Open Consultation Levelling-Up and Regeneration Bill: Reforms to National Planning Policy.**
6. **Evidence Base Update.** 9 - 16
7. **Regulation 19 Consultation Strategy.** 17 - 26
8. **Draft Developer Guide to Biodiversity and Nature Conservation.** 27 - 90

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LOCAL PLAN DEVELOPMENT PANEL

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Tuesday, 15th November, 2022 at 11.00 am

Present: Councillor Daniel Williamson in the Chair;

Councillors Arnie Hankin, Rachel Madden,
Keir Morrison, Matthew Relf, Kevin Rostance,
John Smallridge, Lee Waters and Jason Zadrozny.

Officers Present: Lynn Cain, Robert Docherty, Louise Ellis, Neil Oxby,
Christine Sarris, Melanie Wheelwright and
Shane Wright.

LP.9 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

No declarations of interest were made.

LP.10 Minutes

RESOLVED

that the minutes of the meeting of the Local Plan Development Panel held on
23 September 2022, be received and approved as a correct record.

LP.11 Draft Local Plan 2021 Consultation Report

Panel Members were presented with the findings of the Draft Local Plan 2021
Consultation Report and advised upon the following:

- To whom and how the Council carried out the consultation
- A summary of the representations received to the consultation
- A summary of the main issues raised, and the Council's responses based
on the chapters within the Draft Local Plan.

AGREED

that the findings of the Draft Local Plan 2021 Consultation Report, as
presented, be received and noted.

LP.12 Emerging Local Plan - Next Steps

Further to Cabinet's recent decision to take forward Option C as the preferred
approach for progressing the emerging Local Plan, Member were asked to
consider and advise upon the most appropriate next steps.

The 'Option C' approach reflected recent national pronouncements on the Green Belt and housing numbers and continued to emphasise the locational advantages of Ashfield for employment and skills growth.

Any recommendations from the Local Plan Development Panel and Cabinet would need to be considered through an assessment in the Sustainability Appraisal and there would need to be on-going discussions with neighbouring councils and infrastructure providers, reflecting the legal duty for councils to engage on strategic cross boundary matters as evidenced within the Statement of Common Ground.

In response to the Draft Local Plan 2021 consultation results, officers would be making the spatial strategy clearer although it was acknowledged that the overall approach shown within the emerging Local Plan was positively received.

Members were asked to note the following:

H1Ki Annesley Miners Welfare - for clarification the Local Plan had not proposed that the sports pitch was developed as it formed part of the existing planning permission (V/2018/0393) which was being implemented.

H1Hd Stubbing Wood Farm - original information provided to the Council on the SHELAA was incorrect as it had identified that the land was in a single ownership. The dwelling on site was in separate ownership including various rights of access and should the site be taken forward; this matter would be for the proposed developer of the site to resolve.

To complete the presentation, Panel Members were advised that using the standard housing methodology, the Council would have sufficient supply of housing to meet a 10-year demand without impacting significantly on the Green Belt, whilst Government made a decision on its national approach to housing. However, there were risks associated with continuing with the draft Plan on this basis and these were duly communicated in detail to the Panel.

To recommend an appropriate way forward, Members were asked to consider two scenarios:

Scenario 1

To include all housing site allocations with the exception of Whyburn Farm resulting in the housing supply being reduced by 1,600 dwellings located in the Green Belt.

Scenario 2

To include all housing site allocations but excluding both new settlements resulting in the housing supply being reduced by 1,915 dwellings with all but 315 dwellings being in the Green Belt.

Two amendments were also recommended in relation to the following:

- a new site Land North Larch Close Underwood (SHELAA Ref SJU043) (hatched blue on the plan) to be added into an existing adjacent allocated for housing

- following representations regarding the Main Urban Area boundary at Ashland House, Skegby, it be recommended that no change be made at the present time.

The Chairman thanked officers for the presentation and a lengthy debate ensued.

(The meeting adjourned at 12.10pm and reconvened at 12.20pm.)

As part of the deliberations, Members proposed that a third scenario be on the table for Member consideration as follows:

Scenario 3

No new settlements be taken forward and the remaining allocated housing sites meet the requirements for the housing need over a 15-year Plan period.

AGREED

and recommended to Cabinet that:

- a) the Council takes forward a housing requirement which provides a minimum of a 15-year housing supply;
- b) the two new settlements in the Green Belt (Whyburn Farm and Cauldwell Road/Derby Road) are removed from the Local Plan going forward;
- c) as a result of a) and b) above, it be confirmed that Scenario 3 be selected to progress the emerging Local Plan as follows:

No new settlements be taken forward and the remaining allocated housing sites meet the requirements for the housing need over a 15-year Plan period;

- d) Strategic Policy S3 Location of Development is reviewed to include a spatial strategy within the Policy;
- e) SHELAA (SJU043) adjacent to an existing allocation at Underwood H1vg Land North of Larch Close, be included in the emerging Local Plan;
- f) changes are made to the Main Urban Area boundary at Skegby subject to a masterplan/design brief being developed to protect the setting of the listed building at Dalestorth House.

LP.13 Draft Greater Nottingham Strategic Plan Preferred Approach Consultation

Panel Members were advised that Broxtowe Borough, Gedling Borough, Nottingham City and Rushcliffe Borough Councils were proposing to undertake a consultation later in the year on the Preferred Approach Greater Nottingham Strategic Plan 2022.

The new Strategic Plan would be replacing the 2014 Core Strategy document.

AGREED that

- a) Council be recommended to respond to the consultation;
- b) if the prescribed timetable allows, the Council's draft response be submitted to a Local Plan Development Panel meeting for consideration prior to its submission or if more practicable, the draft response be circulated to Members outside of the meeting, requesting any input/responses by an agreed date.

LP.14 Adoption of Planning Guidance Climate Change

The draft Planning Guidance Climate Change document was presented to the Panel, with a request to review the content and propose any changes or additions as required by Friday 18th November 2022.

AGREED

that the draft Planning Guidance Climate Change document be referred to Cabinet for approval.

LP.15 Ashfield Green Infrastructure & Biodiversity Strategy

The draft Green Infrastructure and Biodiversity Strategy 2022-2032 document was presented to the Panel, with a request to review the content and propose any changes or additions as required.

Members were advised that the update had not changed any of the route mapping or methodology from the previous 2013 document but had just refreshed references as required. Members were also asked to consider whether to change the title of the document to 'Green & Blue Infrastructure and Biodiversity Strategy'.

AGREED

that the draft Green Infrastructure and Biodiversity Strategy 2022-2032 document, as presented, be referred to Cabinet for approval subject to its title being changed to 'Green & Blue Infrastructure and Biodiversity Strategy 2022-2032'.

The meeting closed at 12.37 pm

Chairman.

Report To:	Local Plan Development Panel
Date:	17TH JANUARY 2023
Heading:	EVIDENCE BASE UPDATE
Executive Lead Member:	NOT APPLICABLE
Ward/s:	ALL WARDS
Key Decision:	No
Subject to Call-In:	No

Purpose of Report

To update the Local Plan Development Panel on the evidence base for the emerging Local Plan.

Recommendation(s)

It is recommended that the Local Plan Development Panel note the additional evidence base documents.

Reasons for Recommendation(s)

For information in relation to implications of the evidence for the emerging Local Plan.

Alternative Options Considered

None

Detailed Information

The Local Plan evidence base is the information and analysis that is the basis for the development of planning policy and the Local Plan. Under the National Planning Policy Framework paragraph 31, the preparation and review of all policies should be underpinned by relevant and up-to-date evidence.

The Local Plan will be examined by a planning inspector in determining whether a plan is 'sound' which includes whether a plan is justified, taking into account the reasonable alternatives and based on proportionate evidence.

This report sets out the latest position on the evidence base studies/assessments that are nearing completion or are needed to be completed to inform the Local Plan at Examination.

Transport Study

The Transport Study will provide a high-level assessment of the transport impact of the Draft Local Plan and provide an indication of whether the development proposals are acceptable in transport terms. The Study will also set out what mitigation is required to reduce the impact of Local Plan developments on the District.

One of the key requirements in the NPPF is the need to consider transport issues from the earliest stages of plan-making, so that environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects.

The Council has had close cooperation from Nottinghamshire County Council on the highway mitigation proposals in the draft Transport Study. A meeting has been arranged in early January with National Highways, the County Council and the Council's transport consultants to review the proposals and work towards ensuring, where possible, that mitigation is located within the District for the benefit of residents.

Heritage Impact Assessment

The Council is committed to conserving and enhancing the historic environment, including both designated and non-designated heritage assets, as it is acknowledged that it is of great importance for education, culture, leisure, tourism and the wider economy. A 'Heritage Asset' is a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. The term 'significance' is defined by Historic England as "the value of a heritage asset to this and future generations because of its heritage interest."

The Heritage Impact Assessment (HIA) will assess all potential development sites identified as having the potential to harm a designated or non-designated heritage asset. This equates to 44 sites across the District. From these 44 sites a 'shortlist' of 12 priority sites has been created. These are the sites that merited a more detailed review based on the number of designated assets in the vicinity and/or the high archaeological potential of the sites which required further review. The HIA considers the setting of heritage assets and provides an assessment of how their settings contribute to their significance.

The Council is in discussions with Historic England and Nottinghamshire County Council Conservation, and Archaeology with regards to the findings and recommendations of the report.

Habitats Regulation Assessment

When preparing development plan documents, councils are required by law to carry out a Habitat Regulations Assessment (HRA). This requirement for authorities is also noted in the Government's Planning Practice Guidance: Appropriate Assessment, Guidance on the use of HRAs.

The HRA will screen the Draft Local Plan development proposals to determine whether they would have a likely significant effect on a habitat site. Whilst there are currently no habitat sites of international importance in Ashfield, the Sherwood Forest area is currently being considered as a possible potential Special Protection Area (ppSPA), which is a site of possible European Importance. Special Protection Areas (SPAs) are designated to protect rare and vulnerable birds and their habitats, in this case, Nightjar and Woodlark.

Whilst the Sherwood Forest area is under review, Natural England has advised the Council to take a risk-based approach towards development in order to avoid or reduce its impact upon the protected birds and their habitats. As such, the HRA included an assessment of the Sherwood Forest ppSPA in order to future-proof the emerging Local Plan.

The conclusions and recommendations are being discussed with Natural England.

Whole Plan Viability Assessment

The purpose of the Whole Plan Viability Assessment is to assess the impact of the proposed Local Plan Policies to determine the appropriate balance between affordable housing delivery targets, and S106 contributions. This is to ensure the overall viability of the Plan in relation to the deliverability of new development as required by the NPPF and Planning Practice Guidance Viability (PPG). The Assessment is based on a residual appraisal and reflects the input and outputs set out in Figure 1 below.

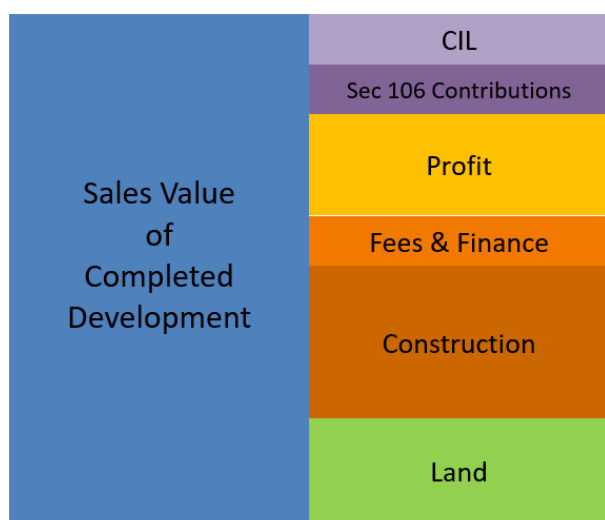


Figure 1: Residual Appraisal

For Ashfield, as we do not operate a CIL, the CIL and S106 aspects would be combined. The potential for S106 contributions is impacted by land value. National guidance identifies that *“The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while*

allowing a sufficient contribution to fully comply with policy requirements.” An implication of this approach is that, due to the typically higher value of brownfield land over agricultural land values, there will be a difference in the level of S106 contributions and affordable housing that can be achieved on greenfield sites compared to brownfield sites, see Figure 2 below.

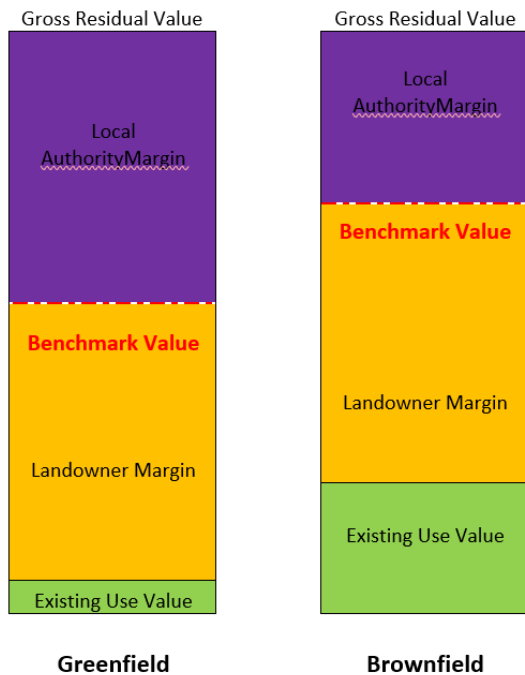


Figure 2: Land Values and S106 Contributions.

In conformity with PPG, the Assessment does not undertake individual site assessment but reflects site typologies based on the proposed allocations within the Local Plan. These are as follows:

- Urban Edge Large Scale 250 Dwellings.
- Urban Edge Medium Scale 100 Dwellings.
- Suburban/Rural Large Scale 50 Dwellings.
- Suburban/Rural Medium Scale 20 Dwellings.
- Infill Housing.

Consequently, the Assessment should be seen as a strategic overview of plan level viability rather than the viability of any individual site.

The Assessment considers the impact of various levels of affordable housing and infrastructure contributions. Based on these scenarios, the Council will need to determine what level of affordable housing and infrastructure should be taken forward in the Local Plan Policies.

The draft finding of the Assessment identifies that the value of housing in the District has risen more than was anticipated by the Consultant since the last Viability Study in 2016, while construction costs have not risen to the extent that the Consultant had anticipated. Therefore a higher level of affordable housing and infrastructure contributions may be achievable than initially anticipated.

Infrastructure Delivery Plan

Infrastructure takes a number of forms and can be defined as being physical, social and green infrastructure, which is essential to support objectives of housing provision, economic growth, mitigating climate change and creating sustainable communities.

This is taken forward through an Infrastructure Delivery Plan (IDP). The IDP looks to ensure that it integrates the Local Plan requirements and the information from the emerging evidence base with the provision of the relevant infrastructure. This influences the timing of when infrastructure can be provided and the availability of funding for infrastructure.

As part of the draft Local Plan, information has been received from various infrastructure providers. With the Local Plan moving forward towards the Regulation 19 consultation, further engagement with the infrastructure providers is necessary to determine the specific requirements to meet future needs arising from the proposed development in the Plan.

Sustainability Appraisal

A legislative requirement is that the Local Plan is informed by a Sustainability Appraisal (SA). The initial appraisal was undertaken through an SA of the strategic options. Subsequently, the SA informed the various proposals and policies set out in the draft Local Plan 2021. Additional work will be required to consider the approach identified by the Council's Cabinet to inform the final Plan which will go out to the Regulation 19 Consultation.

Strategic Flood Risk Assessment

The NPPF requires that strategic policies should be informed by a Strategic Flood Risk Assessment, (SFRA). The existing SFRA identifies that there are risks from watercourse in certain locations in the District such as Hucknall (Baker Lane Brook) and Jacksdale (River Erewash and Bagthorpe Brook). However, the SFRA dates back to before Nottinghamshire County Council was designated as the Lead Local Flood Authority (LLFA) when there was little information on surface water flooding. The LLFA has identified there is a risk from surface water flooding to properties and infrastructure in Ashfield, which is reflected in the Nottinghamshire Local Flood Risk Management Strategy 2021-27. It is understood that for surface water, the emphasis is upon mitigating the risk rather than prevent the development itself. In addition, there has been significant changes to Planning Practice Guidance on flooding. On this basis it is considered that the SFRA will need to be updated to provide a relevant evidence base for the Local Plan.

Statement of Common Grounds

Strategic policy-making authorities are required to cooperate with each other, and other bodies, when preparing strategic policies contained in local plans. Strategic policies include:

- housing, employment, retail, leisure and other commercial development;
- infrastructure
- community facilities and
- conservation and enhancement of the natural, built and historic environment and planning measures to address climate change mitigation and adaptation.

The NPPF sets out that these authorities should produce, maintain, and update one or more statement(s) of common ground, as part of plan-making. Therefore, it will be necessary for the Council to agree a statement of common ground with neighbouring authorities which sets out a written record of the strategic cross-boundary matters.

The statement of common grounds demonstrates at examination that Plans are deliverable over the Plan period and based on effective joint working across local authority boundaries. It also provides the evidence required to demonstrate that the Council has complied with the duty to cooperate.

Retail and Leisure Study

The Council's Retail and Leisure Study was undertaken in 2016. Subsequently, the retail sector experienced a significant shock as a result of the Covid-19 pandemic. This has resulted in an uncertain retail environment and has been reflected in consumer expectations continually evolving. The impact of these changes is uncertain but consideration will need to be given to updating the retail evidence which is out of date both in terms of the timescale and the changing retail circumstances.

Brownfield Analysis

The NPPF places a substantial emphasis on utilising suitable brownfield land within settlements for development. Planning policies and decisions should aim to use as much brownfield land as possible and Local Planning Authorities (LPAs) should take a proactive role in identifying and bringing forward suitable brownfield sites.

The draft Local Plan 2021 allocated all the brownfield sites identified as being deliverable and developable and in a suitable location. Additional work has been undertaken in the form of a search within the main urban areas and named settlements regarding the availability of any brownfield sites. No significant brownfield sites have been identified, which are not already allocated in the Plan or which are subject to existing planning applications.

The evidence base studies and assessments will be included on the Council's website once they have been completed.

Existing evidence was brought together in five Background Papers to support the Draft Local Plan as follows:

- Spatial Strategy and Location of Development.
- Housing
- Economy and Employment Land
- Green Belt Harm
- Infrastructure Delivery

It is anticipated that a number of these Background Papers will need to be updated to reflect the additional/updated evidence as it is completed. In relation to the Spatial Strategy Paper, following the recommendation of the Local Plan Development Panel and the decision of the Cabinet, the Spatial Strategy will be integrated into the Local Plan Policy S3.

Implications

Corporate Plan: Planning, and the Local Plan in particular has a cross cutting role to play in helping to meet and deliver the 6 priorities identified in the Corporate Plan. In particular, the Local

Plan has a key responsibility in delivering the outcomes around the supply of appropriate and affordable homes, improving town centres, facilitating economic growth especially around transport hubs, improving parks and open space and increasing tree coverage.

Legal: The Planning and Compulsory Purchase Act 2004 (as amended) requires local planning authorities to keep under review the matters which may be expected to affect the development of their area or the planning of development. (Section 15). Section 33A of the Act places a legal duty on local planning authorities, county councils and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of development plan documents or local development documents preparation in the context of strategic cross boundary matters. National guidance on these aspects is provided through the National Planning Policy Framework, National Planning Practice Guidance and Written Ministerial Statements. [RLD 22/12/2022].

Finance: The cost of the studies is funded from the budget allocated for the Local Plan. [PH 22/12/2022].

Budget Area	Implication
General Fund – Revenue Budget	The cost of the studies is funded from the budget allocated for the Local Plan.
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
The Local Plan should be underpinned by relevant and up-to-date evidence.	The evidence set out in the report is anticipated to provide a proportionate evidence base.

Human Resources: There are no direct Human Resource implications from the report.

Environmental/Sustainability: The studies are required as part of the evidence base for the Local Plan, which must reflect sustainable development. Consequently, it contributes towards

achieving the requirement for sustainable development set out in Section 39 of the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework 2021.

Equalities: The Local Plan is subject to an Equalities Assessment at the various consultation stages.

Other Implications: None

Reason(s) for Urgency: Not applicable

Reason(s) for Exemption: Not applicable

Background Papers

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Report To:	LOCAL PLAN DEVELOPMENT PANEL
Date:	17TH JANUARY 2023
Heading:	LOCAL PLAN REGULATION 19 CONSULTATION STRATEGY
Executive Lead Member:	NOT APPPLICABLE
Ward/s:	ALL WARDS
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

To set out the background and procedures for the Local Plan Regulation 19 Consultation.

Recommendation(s)

The Local Plan Development Panel notes the proposed format of the Local Plan Regulation 19 Consultation.

Reasons for Recommendation(s)

To clarify that the Local Plan Regulation 19 Consultation is a more formal consultation where the consultation responses should consider whether the Plan meets the National Planning Policy Framework's test of soundness and all legal requirements.

Alternative Options Considered

None

Detailed Information

The legal framework for the preparation of a Local Plan is primarily substantially set out in the Planning and Compulsory Purchase Act 2004 (PCPA) and the Town and Country Planning Act

(Local Planning) (England) Regulations 2012, as amended (Local Planning Regulations). The Local Plan must be prepared in accordance with the provisions set out in the National Planning Policy Framework (NPPF) and associated national planning practice guidance.

The Draft Local Plan 2021 was consulted on in October/November 2021. The Council's Cabinet has subsequently considered the responses received to the Consultation and it resolved to proceed with the Local Plan subject to the changes approved by the Cabinet at its meeting of 13th December 2022. The next stage for the Local Plan is to consult on what is known as the Publication version of the Local Plan under Regulation 19 of the Local Planning Regulations.

The Council should rigorously assess the Plan before it is published under Regulation 19 to ensure that, in its view, it is sound and meets all the necessary legal requirements. This reflects that:

- A plan that is published for consultation at this stage should be the Plan that the Council intends to submit to the Planning Inspectorate for examination.
- Section 20(2) of the PCPA specifically states that a Local Planning Authority must not submit the Plan unless they think it is ready for independent examination.

Under Regulation 19 of the Local Planning Regulations, the Council is required to make a copy of each of the proposed Examination submission documents for examination available for public consultation. The minimum requirements are for the submission documents to be:

- made available for inspection at their principal office and at such other places within their area as the local planning authority consider appropriate, during normal office hours, and
- published on the local planning authority's website.

Any consultation would also have to consider the requirement in the Council's Statement of Community Involvement.

The Regulation 19 Consultation is based on the following aspects that underpin the Examination in Public:

- Legality – is the plan legally compliant?
- Does it meet the Duty to Cooperate – has the Council engaged and worked effectively with neighbouring authorities and statutory bodies?
- Soundness – has the Plan been positively prepared, justified, effective and consistent with national policy? (NPPF paragraph 35).

Under the Regulations, the consultation period has to be for a minimum period of six weeks, enabling people and organisations to submit representations reflecting legal compliance, soundness and the duty to cooperate. The Council will summarise the representations for submission of the Plan for examination, but will not respond to them in the way it has done for the Draft Local Plan nor defend its Local Plan via public meetings. Representations received during the Regulation 19 consultation will be passed to the Inspector for consideration and assessment at the Local Plan Examination.

The Planning Inspectorate has a model representation form for Local Plans, see Appendix One. There is no requirement for the Council to use this template but it is intended as a helpful guide and is clearly linked to the legal and soundness aspects of the Plan.

It should be noted that there is no discretion to receive later submissions to the Consultation as under Regulation 19, any representations must be received by the Council by the end of the specified consultation period.

In undertaking the minimum six week period of consultation, the Council will use a range of media and methods, to inform people of the consultation, including the following:

- Making all relevant consultation documents available for inspection at the Council Offices and, subject to the consent of Inspire, all four major libraries throughout the District (Hucknall, Kirkby, Sutton and Selston) for the duration of the consultation period;
- Utilising the local media and where practical community publications;
- Using social media, including the Council website and utilising a banner on all ADC emails.
- Emails or letters informing those individuals, companies and groups registered on the Local Plan Consultation Database of public consultation;
- Subject to the agreement of Inspire, placing unmanned displays at the Council Offices and the four major libraries;
- Forward Planning officers being available during office hours to answer questions from the public.

The Regulation 19 Consultation will take place after the Local Plan Publication and the Sustainability Appraisal is approved by Cabinet and ratified by Full Council. The Local Development Scheme (LDS) which outlines the Local Plan timetable will need to be updated to reflect a revised timescale.

Implications

Corporate Plan: Planning, and the Local Plan has a cross cutting role to play in helping to meet and deliver the six priorities identified in the Corporate Plan. In particular, the Local Plan has a key responsibility in delivering the outcomes around the supply of appropriate and affordable homes, improving town centres, facilitating economic growth especially around transport hubs, improving parks and green spaces.

Legal: The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out the legislative requirements in bringing a local plan forward. The Act includes a legal duty on local planning authorities, county councils and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. Under Section 20, an authority must not submit a Local Plan unless they have complied with any relevant requirements contained in regulations under this Part, and they think the document is ready for independent examination. The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, sets out the procedures to be followed where a plan has reached a stage where the Council considers that it is ready to be submitted for

examination. This includes the consultation requirements that must be followed and which are set out in the Report. [RLD 22/12/2022]

Finance: There are no direct financial implications arising as a result of this report. [PH 22/12/2022].

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
No risks in relation to the consultation have been identified if the requirements in the Regulations are followed	-

Human Resources: There are no direct HR implications contained within this report.

Environmental/Sustainability: Sustainability is at the heart of the planning system and the Plan has been prepared with the aim of delivering sustainable development in the District in accordance with the requirements of paragraphs 7 and 8 of the National Planning Policy Framework (NPPF), 2021. The Plan has been prepared in accordance with the Planning & Compulsory Purchase Act 2004, as amended, which requires the Council to conduct an appraisal of the sustainability of the proposals in Local Plan and prepare a report of the findings of the appraisal.

Equalities: An Equality Impact Assessment will be undertaken as part of the consideration of the Local Plan Publication.

Other Implications: None

Reason(s) for Urgency: Not applicable

Reason(s) for Exemption: Not applicable

Background Papers

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Report Author and Contact Officer

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Model Representation Form for Local Plans

LPA Logo	Local Plan Publication Stage Representation Form	Ref: (For official use only)
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Name of the Local Plan to which this representation relates:

Please return to [name of LPA] BY [time/ date/year]

NB - LPA to include data protection / privacy notice, see para 4 of Explanatory Note

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

2. Agent's Details (if applicable)

Title	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
First Name	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Last Name	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Job Title (where relevant)	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Organisation (where relevant)	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Address Line 1	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Line 2	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Line 3	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Line 4	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Post Code	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
Telephone Number	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
E-mail Address	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

(where relevant)

Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph Policy Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input type="text"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input type="text"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet /expand box if necessary)

Please note *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

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Report To:	LOCAL PLAN DEVELOPMENT PANEL
Date:	17TH JANUARY 2023
Heading:	ADOPTION OF THE DEVELOPER GUIDE TO BIODIVERSITY AND NATURE CONSERVATION
Executive Lead Member:	NOT APPLICABLE
Ward/s:	ALL WARDS
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

To review and propose potential changes or additions to the draft planning guidance note before it is considered by Cabinet.

Recommendation(s)

To recommend adoption of the Developer Guide to Biodiversity and Nature Conservation.

Reasons for Recommendation(s)

The Guidance Note will drive a proactive agenda for sustainable development, acknowledging the Council's ambitions to reduce Ashfield's carbon footprint whilst recognising the importance of promoting biodiversity. The guidance encourages development to meet national policy requirements for 10% measurable net gain which is anticipated to become mandatory in November 2023.

Alternative Options Considered

Not to take the Guidance Note forward. However, this would not reflect the emphasis the Council places on taking steps to tackle climate change, conserve nature and promote biodiversity ahead of mandatory national requirements.

Detailed Information

In keeping with sustainable development principles, and in line with the intentions of 'A Green Future: the UK government's 25 Year Plan to Improve the Environment', the Council wants to leave the environment of Ashfield in a better condition for future generations.

Provisions of the new Environment Act will aim at ensuring, wherever possible, that developers leave wildlife habitats in a measurably better condition than they were before development started. Under the Act, the Government is introducing a mandatory requirement for development in England to deliver a minimum 10% Biodiversity Net Gain (anticipated to become mandatory by November 2023, depending on the timetable for secondary legislation).

The purpose of this guidance is to assist planning applicants and developers to understand the importance of nature, and how development can help deliver biodiversity improvements and net gains. It explains how we will aim to secure proportionate and appropriate biodiversity net gain in the determination of planning applications, and specifically:

- The biodiversity information required when submitting a planning application;
- How to apply the mitigation hierarchy to all development proposals;
- How to assess Biodiversity Net Gain (BNG) where required;
- How to integrate biodiversity into a development; and
- How offsite compensation will be secured.

The Guidance Note cannot introduce new mandatory requirements that exceed current planning policy, but it does provide practical guidance or direction on how to plan for biodiversity and nature conservation. It brings together local, and national policy and good practice to illustrate practical interventions as part of the development management process.

The Draft Guidance Note is set out in Appendix 1. It incorporates a step-by-step guide to biodiversity and the planning application process and also provides checklists to assist applicants in the process of demonstrating full consideration in their submission.

The Guidance aims to conserve and enhance the natural environment and ensure that biodiversity and appropriate landscaping are fully integrated into new developments to create accessible green spaces for wildlife and people, to contribute to a high quality natural and built environment, and to contribute to a better quality of life. Members are requested to review the Guidance and recommend it for adoption.

Implications

Corporate Plan: The purpose of the Guidance Note is to set out the Council's ambitions and expectations for developments in the District in relation to Biodiversity and Nature Conservation. The improvement to design of development and additional measures to incorporate biodiversity will contribute towards achieving the visions set out in the Corporate Plan in relation to Health and Happiness, Homes and Housing, and Cleaner and Greener.

Legal: The Guidance Note provides advice and guidance in relation to decisions on planning applications. It does not introduce new planning policies but is reflective of the emphasis placed by national policy and guidance and local policies in relation to the protection and enhancement of biodiversity. [RLD 22/12/2022]

Finance: There are no financial implications arising as a result of this report. [PH 22/12/2022].

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
There are no identified risks in relation to the Report.	-

Human Resources: There are no direct Human Resource implications within the report.

Environmental/Sustainability: Sustainability is at the heart of planning. A key aspect of this is to conserve and enhance the natural environment and ensure that biodiversity and appropriate landscaping are fully integrated into new developments and to contribute to a better quality of life for all.

Equalities: There are no adverse equality, diversity or inclusion implications in this report. The Guidance Note does not introduce new policy but provides guidance on the implementation of existing planning policy and guidance.

Other Implications: None

Reason(s) for Urgency: Not applicable

Reason(s) for Exemption: Not applicable

Background Papers: Developer Guide to Biodiversity and Nature Conservation

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Ashfield District Council

**Developer Guide to
Biodiversity and Nature Conservation**

November 2022

N.B. This guidance will be reviewed when the Environment Bill is enacted and transitional arrangements, secondary legislation and guidance is prepared.

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1. INTRODUCTION

In keeping with sustainable development principles, and in line with the intentions of ‘A Green Future: the UK government’s 25 Year Plan to Improve the Environment’, we want to leave the environment of Ashfield in a better condition for future generations.

Provisions of the new Environment Act will aim at ensuring, wherever possible, that developers leave wildlife habitats in a measurably better condition than they were before development started. Under the Act, the government is introducing a mandatory requirement for development in England to deliver a minimum 10% Biodiversity Net Gain (anticipated to become mandatory by November 2023, depending on the timetable for secondary legislation).

Purpose of this guidance

The purpose of this guidance is to assist planning applicants and developers to understand the importance of nature, and how development can help deliver biodiversity improvements and net gains. It will explain how we will aim to secure proportionate and appropriate biodiversity net gain in the determination of planning applications, and specifically:

- The biodiversity information required when submitting a planning application;
- How to apply the mitigation hierarchy to all development proposals;
- How to assess Biodiversity Net Gain (BNG) where required;
- How to integrate biodiversity into a development; and
- How offsite compensation will be secured.

New development needs to address the decline in nature as part of the design process. Biodiversity Net Gain (BNG) is an approach that aims to leave the natural environment in a ‘measurably better state’ than it was beforehand and seeks to deliver ‘measurable’ improvements for biodiversity by creating or enhancing habitats in association with development – this can be achieved on-site, off-site or through a combination of both. It relies on the application of the ‘mitigation hierarchy’ to first avoid, then mitigate, and only as a last resort compensate for biodiversity losses, before measures that will provide a net gain can be identified.

Section 11 of this guidance sets out a useful step by step guide to biodiversity and the planning application process, with more detailed information contained within the previous sections.

Pre-application advice

We are happy to offer advice prior to submitting a planning application. This may help to ensure that policy requirements are fully understood at an early stage, and that potential biodiversity sensitivities are identified, with discussions held at an early stage to seek advice and avoid impacts. The pre-application service may be particularly valuable to householders and those who are not regularly involved in development, who may not routinely seek professional ecological support, or be aware of all the relevant legislative requirements or issues. Information on this paid service is available on our website [here](#).

2. LOCAL CONTEXT

The UK generally, and Ashfield and Nottinghamshire specifically, have seen a decline in species and habitats. Nottinghamshire has witnessed the extinction and/or substantial contraction in the population size and range of many species. This decline of wildlife and habitats results from many factors including agricultural management, urbanisation, pollution, hydrological change, woodland management, and invasive non-native species. Climate change is also resulting in widespread changes in the abundance and distribution of wildlife.

Ashfield is recognised as one of the most biodiverse areas in Nottinghamshire, due largely to its varied geological context of Magnesian Limestone, Triassic Sandstone (to the east) and coal measures (to the west). It is an area heavily scarred by the industrial development of recent centuries, which has both damaged and fragmented habitats, while also creating new opportunities for wildlife in the form of disturbed and restored sites.

The District supports a broad range of habitats, including heathland, ancient woodland dumbles, calcareous grasslands (including on post-industrial sites) and fields rich in wildflowers. The west is characterised by small fields and streams, while the east and south contains large blocks of tree planting/forestry. The rivers and streams within the District provide habitat for significant populations of water vole and native crayfish.

More than 100 species have been lost in Nottinghamshire during the last century, with many more species and habitats at risk. These losses can have severe repercussions for complex and often fragile ecosystems. The biodiversity resource in the county is highly impoverished, for example;

- Just 1.5% of the area of Nottinghamshire is designated as nationally important wildlife sites, comparing poorly with a regional average of around 4.5% and a national (England) average of just over 8%.
- 97% of the county's flower-rich meadows have been lost since the 1930s.
- 90% of our heathland has been lost since 1922.
- Species such as grass of Parnassus, pearl-bordered fritillary and Nottingham catchfly have become extinct in the county.

In addition, climate change poses a significant threat, and some species and habitats will be at risk of dying out unless they can keep pace with the impact of a changing climate, while others may suffer from increased competition for water resources. Avoiding fragmentation of habitats is significant in enabling wildlife to adapt to climate change.

The District Council is committed to playing its part in the restoration and recovery of ecosystems. Ashfield's [Green & Blue Infrastructure and Biodiversity Strategy 2022 -2032](#) sets out a Green Infrastructure (GI) network for Ashfield which links into the wider GI network across Nottinghamshire, Derbyshire, and other areas of the East Midlands. This includes 23 key corridors and identifies any significant 'Green Gaps' (stretches of the

corridor with limited green character, or which may significantly limit the movement of wildlife).

The [Biodiversity Opportunity Map for Ashfield](#) (BOM) was produced by the Nottinghamshire Biodiversity Action Group in November 2016 on behalf of ADC, working with a wide range of local stakeholders and following the same methodology as has been used in other Local Authority areas in Nottinghamshire. The BOM indicates that the Ashfield area is particularly important for its biodiversity and supports a diverse range of habitat types including Section 41 Principal Habitats under the Natural Environment and Rural Communities (NERC) Act 2006. The BOM maps show related habitats grouped together into map layers for Woodland; Heathland & Acid Grassland; Other Grassland; Wetland, with a scientifically robust assessment of current habitat network strength for each.

All four of the habitat groupings are well represented within Ashfield and opportunities to extend, buffer and link each of these have been identified as part of the BOM process. The BOM sets out long and short term opportunities and can be used to guide BNG and focus areas for biodiversity offsetting, until replaced by a Local Nature Recovery Strategy (LNRS). LNRS are a new system of spatial strategies for nature which will plan, map, and help drive more coordinated, practical, focused action and investment in nature's recovery to build the national Nature Recovery Network.

The Biodiversity Resource in Ashfield

Appendix 2 sets out the hierarchy of designated sites and protected species/habitats.

Sites of international importance

There are currently no sites of international importance in Ashfield. The Sherwood Forest area to the east of the District is currently being considered as a possible potential Special Protection Area (ppSPA), which is a site of European importance. It is being looked at as part of a UK-wide review led by the Department for Environment and Rural Affairs (DEFRA).

Special Protection Areas (SPAs) are designated to protect rare and vulnerable birds and their habitats, in this case, Nightjar and Woodlark. Whilst the area is under review, Natural England has advised us that we should take a [risk-based approach](#) towards development in order to avoid or reduce its impact upon the protected birds and their habitats.

Sites of national importance

There are 9 Sites of Special Scientific Interest (SSSI) in Ashfield. They have some of Nottinghamshire's richest habitats and are protected by specific legislation which includes a requirement for positive management. The 9 sites are:

- Bagthorpe Meadows
- Bogs Farm Quarry

- Friezeland Grassland
- Kirkby Grives
- Annesley Woodhouse Quarries
- Teversal Pastures
- Bulwell Wood, Hucknall
- Teversal – Pleasley Railway
- Dovedale Wood.

Ancient woodland

Ancient woodland is an area of woodland that has been wooded continuously since at least 1600AD. These natural assets are irreplaceable and provide vital habitats for notable species. The Forestry Commission provide a guide for assessing potential impacts on ancient woodland and veteran trees. In addition, Natural England and the Forestry Commission's standing advice for making planning decisions can be found [here](#). There are 11 ancient woodland sites identified in Ashfield, by Natural England. They are:

- Healds Wood
- Bloomer Wood
- Bulwell Wood
- Dawgates Wood
- Dovedale Wood
- High Park Wood
- Little Oak Plantation
- Millington Springs
- Normanshill/Thieves Wood
- The Dumbles.

Local Nature Reserves

There are 4 Local Nature Reserves in Ashfield. These are mainly managed by us, designated in consultation with Natural England to encourage public access and enjoyment of the natural environment. The 4 sites are:

- [Portland Park](#), Kirkby
- [Brierley Forest Park](#), Sutton-in-Ashfield
- Teversal/Pleasley Network
- Kingsmill Reservoir, Sutton-in-Ashfield
- Bulwell Hall Park Meadows

Local Wildlife Sites (LWS) and Local Geological Sites (LGSs)

Local Wildlife Sites (LWSs) are wildlife-rich sites selected for their local nature conservation value and form a crucial framework of 'stepping-stones' for the migration and dispersal of

species Their designation is non-statutory, but they are protected through local plan policies via the planning system.

It is worth noting that LWSs may be of greater than local importance and may even contain habitats of national value which have not been designated as a SSSI, as the SSSI suite is representative, not comprehensive.

Local Geological Sites (LGSs) are a non-statutory designation based on locally developed criteria, which identifies geological and geomorphological sites of local importance. These sites were previously referred to as Regionally Important Geological Sites (RIGs).

The [Nottinghamshire Biological and Geological Records Centre](#) identify and review Local Wildlife Sites (LWS) and Local Geological Sites (LGSs) based on criteria developed by the Local Wildlife Sites Panel.

3. PROTECTED, NOTABLE AND PRIORITY SPECIES AND HABITATS

Protected species

These species are protected by law. The presence of legally protected species and the extent to which they could be impacted is a material consideration in the determination of planning applications. Populations of many species are dynamic, therefore existing records can only be used as a guide to likely presence and should be tested by appropriate field survey work based on current best practice including expiration of validity. Local records of protected species are available from the Nottinghamshire Biological and Geological Record Centre (NBGRC).

European Protected Species (EPS) with known populations within Ashfield are:

- 11 bat species including Daubenton's Bat, Whiskered bat, Brandt's bat, Natterer's bat, Noctule, Leisler's bat, Common Pipistrelle, Soprano Pipistrelle, Nathusius' Pipistrelle, Serotine and Brown long-eared bat ([Nottinghamshire Bat Group](#));
- Great Crested Newt;
- Otter
- White clawed crayfish

In addition to those species protected as EPS, additional species are protected by domestic legislation, i.e. Wildlife and Countryside Act (WCA), Protection of Badgers Act:

- Badgers
- Slow Worm
- Common Lizard
- Water Vole
- All wild birds (with higher protection for WCA Schedule 1 species)
- Various species of plant (WCA Schedule 8)

Priority Species

Priority species are those identified as being the most threatened and in need of conservation action. They are included within the Section 41 list prepared under the Natural Environment and Rural Communities Act.

Examples of Priority Species found in Ashfield, include Water Vole, Frog Orchid, Willow Tit, Grass Snake, West European Hedgehog and Dingy Skipper Butterfly.

NBGRC provides records of Priority Species within its data search.

Priority invertebrate species may be poorly recorded, but the identification of habitats and features of likely value to invertebrates, such as brownfield sites, will trigger the need for specialist survey.

Notable species

Notable habitats and species are not legally protected but are considered to be of local importance and conservation concern of relevance for biodiversity consideration. They include those identified as being of principal importance and are included within the Section 41 list prepared under the Natural Environment and Rural Communities Act.

The Local Biodiversity Action Plan (LBAP) species and Nottinghamshire Species of Conservation Concern (SoCC), identify species at a County level, many of which occur in Ashfield. Some of these are S41 Priority Species, but many are not, and their inclusion is reflective of their national Red List status or county rarity, e.g., Field Garlic.

NBGRC provides records of notable species within its data search.

Priority habitats

Priority habitats are those identified as being the most threatened and therefore in need of conservation action and are of principal importance for the conservation of biodiversity. These are included within the Section 41 list prepared under the Natural Environment and Rural Communities Act.

Natural England maintains inventories of Priority habitats, which can be viewed on the [MAGIC maps](#). These inventories should only be viewed as provisional, with the presence or absence of Priority habitats to be confirmed by up-to-date field survey results, with reference to the published UK Priority habitat descriptions.

The Local Biodiversity Action Plan (LBAP) for Nottinghamshire identifies the key priorities for species and habitat conservation in the County, focusing on habitats considered to be of conservation concern and priorities for protection, restoration, and re-creation.

More information can be found on the [Nottinghamshire Biodiversity Action Group](#) website.

Invasive non-native species

Vigorous or invasive non-native plant and animal species can impact negatively upon biodiversity by out-competing native flora and fauna, for instance, limiting available feeding and cover areas, and becoming monocultural habitat.

Landscaping schemes should avoid invasive non-native species listed and known to be a local problem, opting to include locally appropriate and beneficial species of biodiversity value. It should be noted that it is an offence to spread, or cause to grow, certain plant species listed on Schedule 9 of the Wildlife and Countryside Act, 1981 as amended. Where proposals could result in the spread of non-native invasive plant species, suitable measures will need to be agreed and/or undertaken to control them.

Species of particular concern in Ashfield include:

- Japanese Knotweed (*Reynoutria japonica*),
- Indian/Himalayan Balsam (*Impatiens glandulifera*),
- Giant Hogweed (*Heracleum mantegazzianum*)
- Signal Crayfish (*Pacifastacus leniusculus*)

More information is available on the webpages of the [GB Non-native Species Secretariat](#).

4. PLANNING POLICY AND STRATEGIES

The following section outlines and summarises current national and local planning policy in relation to conserving and enhancing biodiversity.

National Planning Policy and Guidance

The National Planning Policy Framework (NPPF 2021) promotes sustainable, well-designed development. Within this aim, it seeks to conserve and enhance the natural environment and ensure that biodiversity and appropriate landscaping are fully integrated into new developments to create accessible green spaces for wildlife and people, to contribute to a high quality natural and built environment, and to contribute to a better quality of life. Table 1 summarises the key paragraphs.

Table 1: NPPF requirements

Paragraph 153	Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.
Paragraph 174	Planning policies should contribute to and enhance the natural and local environment by, amongst other things: <ul style="list-style-type: none"> • protecting and enhancing sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan; • minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
Paragraph 175	To protect and enhance biodiversity and geodiversity, plans should: <ul style="list-style-type: none"> • Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping-stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and promote the conservation, restoration and enhancement of Priority habitats, ecological networks and the protection and recovery of Priority species; and • identify and pursue opportunities for securing measurable net gains for biodiversity.

Paragraph 180	Sets out the mitigation hierarchy for decision making: <ul style="list-style-type: none"> • in making planning decisions, a hierarchical approach should be followed, so that significant harm should be avoided, but if it can't be avoided must be adequately mitigated, or as a last resort compensated for.
Paragraph 180	Includes advice on irreplaceable habitats, such that development resulting in their loss or deterioration should be refused unless there are exceptional circumstances and where a suitable compensation strategy has been produced.

Planning Practice Guidance (PPG)

Additional guidance on biodiversity and planning is provided on the Government's Planning Practice Guidance (PPG) webpages, including links to Natural England's standing advice on protected sites and species. The guidance encourages Local Planning Authorities (LPAs) to:

'.... consider the opportunities that individual development proposals may provide to conserve and enhance biodiversity and geodiversity, and contribute to habitat connectivity in the wider area....'

The PPG gives further guidance on how to secure net gains for biodiversity as part of green infrastructure provision. It explains:

- What is biodiversity net gain;
- How plans can encourage net gain;
- How can biodiversity net gain be achieved, and;
- How can biodiversity net gain be calculated.

The guidance also sets out the mitigation hierarchy (paragraph: 024 Reference ID8-023-20190721) and provides advice on how to achieve biodiversity net gain (paragraph: 023 Reference ID: 8-023-20190721)

A Green Future: Our 25 Year Environment Plan to improve the Environment" (25 YEP)

The 25 Year Environment Plan (25 YEP) sets out government action to help the natural world regain and retain good health and the approach to maintaining and enhancing the natural environment over a 25 year period from 2018.

The document sets out a number of goals and targets to achieve environmental benefits including the aim to embed an ‘environmental net gain’ principle for development, and particularly to

“...mainstream the use of existing biodiversity net gain approaches within the planning system, update the tools that underpin them ...”.

These objectives will be enacted through the Environment Act.

The UK 30 x 30 target

30 x 30 is a global initiative that has been endorsed by the UK Government. It seeks to conserve at least 30% of the world’s lands, freshwater and oceans by 2030. The UK Government committed to the protection of at least 30% of the UK for nature, in Nottinghamshire this equates to 64,800 ha.

At the time of drafting this report, no detailed County wide spatial distribution had been agreed, but priority areas for targeting habitat creation are identified in the [Nottinghamshire Biodiversity Opportunity Maps](#) for Ashfield (BOM), and this will be further refined through the Local Nature Recovery Strategy (LNRS) process. LNRS are to be prepared at county or unitary authority level with the expectation that all local authorities will be involved in their development, reflecting local priorities.

All Local Planning Authorities (LPAs) in Nottinghamshire have agreed to work together alongside the Nottinghamshire Wildlife Trust, Natural England, and the Environment Agency to develop an aligned approach to delivering BNG. A Biodiversity Net Gain Framework for Nottinghamshire and Nottingham is in the process of being prepared by this Partnership and will provide further clarity regarding locally agreed principle in due course.

Local Planning Policy

Current adopted planning policy is set out in the Ashfield Local Plan Review 2002 (‘saved’ policies). This Plan pre-dates the NPPF and the Environment Act 2021 and as such is not wholly consistent with their provisions.

Policies pertaining to the protection and enhancement of the natural environment include ST1: Development, EV4: Mature Landscape Areas, EV5: Sites of Special Scientific Interest and Local Nature Reserves, EV6: Sites of importance for nature conservation and Geological Significance (now known as Local Wildlife Sites and Regionally Important Geological Sites).

The draft Ashfield Local Plan 2020 – 2038 was consulted on in October/November 2021 and includes an emerging Policy EV4 Green Infrastructure, Biodiversity and Geodiversity. This policy will aim to deliver, conserve and enhance Green Infrastructure. It will also protect and enhance biodiversity, through Biodiversity Net Gain, the protection of Sites of

Special Scientific Interest, Local Nature Reserves, Local Wildlife Sites and sites supporting Priority Habitats and Priority Species.

Neighbourhood Plans

Ashfield District has 2 Neighbourhood Plans in place, the Jacksdale, Underwood and Selston (JUSt) Neighbourhood Plan 2017-2032, and the Teversal, Stanton Hill & Skegby Neighbourhood Plan 2016-2031.

The Neighbourhood Plans form part of the statutory development planning policy documents for these parts of Ashfield and will have weight in the determination of planning applications.

In respect of biodiversity impacts, Selston (JUSt) Neighbourhood Plan relevant policies include:

- **Policy NP 2: Design Principles** – Supports the adoption of best practice design solutions to reduce water usage in new homes and in the use of Sustainable Drainage Systems (SuDs). SuDS should use native non-invasive planting to reduce the effect on the quality and quantity of run-off from developments and provide amenity and biodiversity benefits.
- **Policy NP3: Protecting the Landscape Character** - requires particular consideration be given to the biodiversity of any development site. Designs that protect existing landscape features are preferred, with mitigation measures required where it can be demonstrated that this is not possible.

In respect of biodiversity impacts, Teversal, Stanton Hill & Skegby Neighbourhood Plan relevant policies include:

- **Policy NP 2: Design Principles for residential development** – Supports the adoption of best practice design solutions to reduce water usage in new homes and in the use of Sustainable Drainage Systems (SuDs). SuDS should use native non-invasive planting to reduce the effect on the quality and quantity of run-off from developments and provide amenity and biodiversity benefits.
- **Policy NP 4: Protecting the Landscape Character** - The character and quality of the green corridors between Stanton Hill and Skegby and between Teversal and Stanton Hill are sensitive as they prevent coalescence between the settlements and provide opportunities for biodiversity. Development is required to maintain this sense of openness.

Ashfield District Council Climate Change Strategy 2021-2026

This strategy sets out the Council's ambitions to reduce Ashfield's carbon footprint and recognises the importance of promoting biodiversity.

5. INFORMATION REQUIREMENTS: BIODIVERSITY BASELINE, ECOLOGICAL SURVEYS, AND IMPACT ASSESSMENT

Undertaking a biodiversity baseline/ ecological study will involve a Preliminary Ecological Appraisal, an Ecological Impact Assessment and consideration of key species. It is advised that ecological surveys, impact assessments, and development of mitigation and biodiversity gain plans should be carried out by suitably qualified ecologists.

It should be noted that ecological surveys have a finite shelf life and, as such, planning decisions need to be determined using up to date ecological information.

Preliminary Ecological Appraisal

A Preliminary Ecological Appraisal (PEA), is a rapid assessment, carried out by ecologists, of the ecological features present or potentially present within a site and its surrounding area (zone of influence) and typically comprises a desk study and a walkover survey. It is an initial means of recording the habitats and condition of a site and predicting the likely ecological constraints and opportunities that might arise if the site is developed (see ECOP section below).

PEAs should be commissioned at the earliest stages of design, and their results used to inform the developer's design team, influence the layout and form of the proposals and as an evidence-base to show the implementation of the mitigation hierarchy.

Identifying important ecological features at the outset and avoiding impacts will limit the loss of biodiversity and reduce the need for mitigation and compensation measures. It is also likely to save avoidable costs associated with delays or refusal.

Ecological Impact Assessment (EclA)

Based on the information gathered during the Preliminary Ecological Appraisal and any subsequent survey work, it may be necessary to evaluate the impact of the development proposal on the biodiversity identified. This is known as the Ecological Impact Assessment (EclA). The detail in an EclA report should reflect the nature, scale and complexity of the development proposal and the expected risk to biodiversity and ecosystem function. It may be a standalone document or a chapter forming part of a wider Environmental Impact Assessment.

The EclA should:

- Set out details of any biodiversity features that would be affected by either implementation of the development proposal or its subsequent operation. This includes features which are present on the development site, on any proposed offset site; and on any habitats or species indirectly affected.

- Demonstrate how biodiversity impacts have been avoided and if not explain why.
- Identify the 'residual impacts' on biodiversity features that could be expected should the development be implemented and the significance of these impacts in terms of the conservation objectives for the features in question. Residual impacts are defined as those impacts that remain following implementation of mitigation measures. Where key species have been identified, this should include an assessment of how the conservation status of the wider population is likely to be affected.
- Demonstrate how during implementation and operation of the development, impacts and risks will be reduced. (For example, by appropriate timing of works to avoid disturbance, inclusion of pollution prevention measures, sensitive site lighting design and inclusion of access points in fences).

The Council expect a proportionate approach to the provision of ecological information. In instances such as householder developments where the only likely impact would be on bats, the EclA may take the form of a report focussed just on the impact on bats.

An [EclA](#) should be produced in accordance with best practice guidance (BS42020:2013) and should contain all necessary survey results and a full assessment of ecological impacts.

All biodiversity records obtained during surveys should be submitted to Nottinghamshire Biological and Geological Record Centre (NBGRC), as required by the Chartered Institute of Ecology and Environmental Management's (CIEEM's) code of professional conduct. Applicants must not seek to restrict their ecological consultants from submitting biodiversity records.

Ecological constraints and opportunities plan (ECOP)

An Ecological Constraints and Opportunities Plan (ECOP) is a useful tool/drawing, submitted as part of the required ecology reports, used to present or 'traffic light' ecological information to other professionals and can assist with gaining the best outcomes for biodiversity. It has three main roles:

- at the pre-application stage, an ECOP may be used as an iterative tool within the design team to inform the overall design process;
- at the decision-making stage, it may be used to provide summary information for the decision-maker showing graphically how the mitigation hierarchy has been applied in practice – as such, it is an opportunity to show what and where the key biodiversity constraints and opportunities are associated with the proposed development described in the planning application; and
- at the implementation stage, it may be used to provide an overview, showing how and where biodiversity is to be addressed during the actual development works or aftercare period (e.g., as a summary drawing forming part of a construction environmental management plan)

An ECOP should be prepared using the results from ecological surveys, and initial identification of sensitive features and potential impacts, along with an assessment of their condition in relation to their potential for enhancement.

The level of detail in the ECOP should be proportionate to the nature and scale of the proposed development and should be used to inform the site design and layout, with biodiversity balanced against other competing needs, e.g., the need for amenity space.

An ECOP should be submitted as part of an EclA where potential ecological impacts are predicted and to evidence-base implementation of the mitigation hierarchy.

Consideration of Species

The Biodiversity Metric (see Section 7) is only concerned with habitats and does not take protected species into consideration. Protected and priority habitats and designated sites should be considered in the assessment as some protected species populations may require specific habitats and may be included in the reasons for the habitat's designation.

We will use Natural England's guidance (known as standing advice), to help with our planning decision to ensure that applicable levels of statutory protection together with national and local conservation status information are considered.

Where a development proposal is likely to have a negative effect on a European protected species, we will only support a development proposal where the development is in the public interest, there is no satisfactory alternative that would cause less harm to the species, the long term conservation status of the species will not be harmed, and it is likely that Natural England will grant a wildlife licence if one is needed.

Where a development may affect the species for which the Sherwood Forest possible potential Special Protection Area (ppSPA) has been recognised, (i.e., nightjar and woodlark), it may be necessary for an Appropriate Assessment to be undertaken. Natural England have published guidance [Natural England's Advice Note on the Sherwood ppSPA](#) which sets out a risk-based approach to development.

For other Key Species we will only support a development proposal: where the need for the development outweighs the harm caused; where a wildlife licence is likely to be granted by Natural England if one is needed; there is no satisfactory alternative that would cause less harm to the species and its long term conservation status.

6. THE MITIGATION HIERARCHY

The overarching aims of ecological work used to inform the planning process are to minimise harm and to maximise benefits for biodiversity resulting from development. The generally accepted way of doing this, now embedded within the planning system and emerging legislation, is to follow the “mitigation hierarchy” and to achieve a minimum 10% biodiversity net gains.

Development proposals should avoid sites which have a high biodiversity value. The Council will only support proposals which would have significant and harmful direct or indirect effects on biodiversity and ecosystems processes where:

- the need for the development clearly and significantly outweighs the harm caused; and
- an appropriate scheme is proposed which will secure compensation and net increases in biodiversity.

The Biodiversity Mitigation Hierarchy should be used in the design phase to help avoid biodiversity losses, reduce impacts and make it easier to achieve the required amount of biodiversity net gain (see Figure 1). Applying Biodiversity Net Gain is not an alternative to the application of the mitigation hierarchy, it is essential the developer does everything possible to first avoid and then minimise impacts on biodiversity.

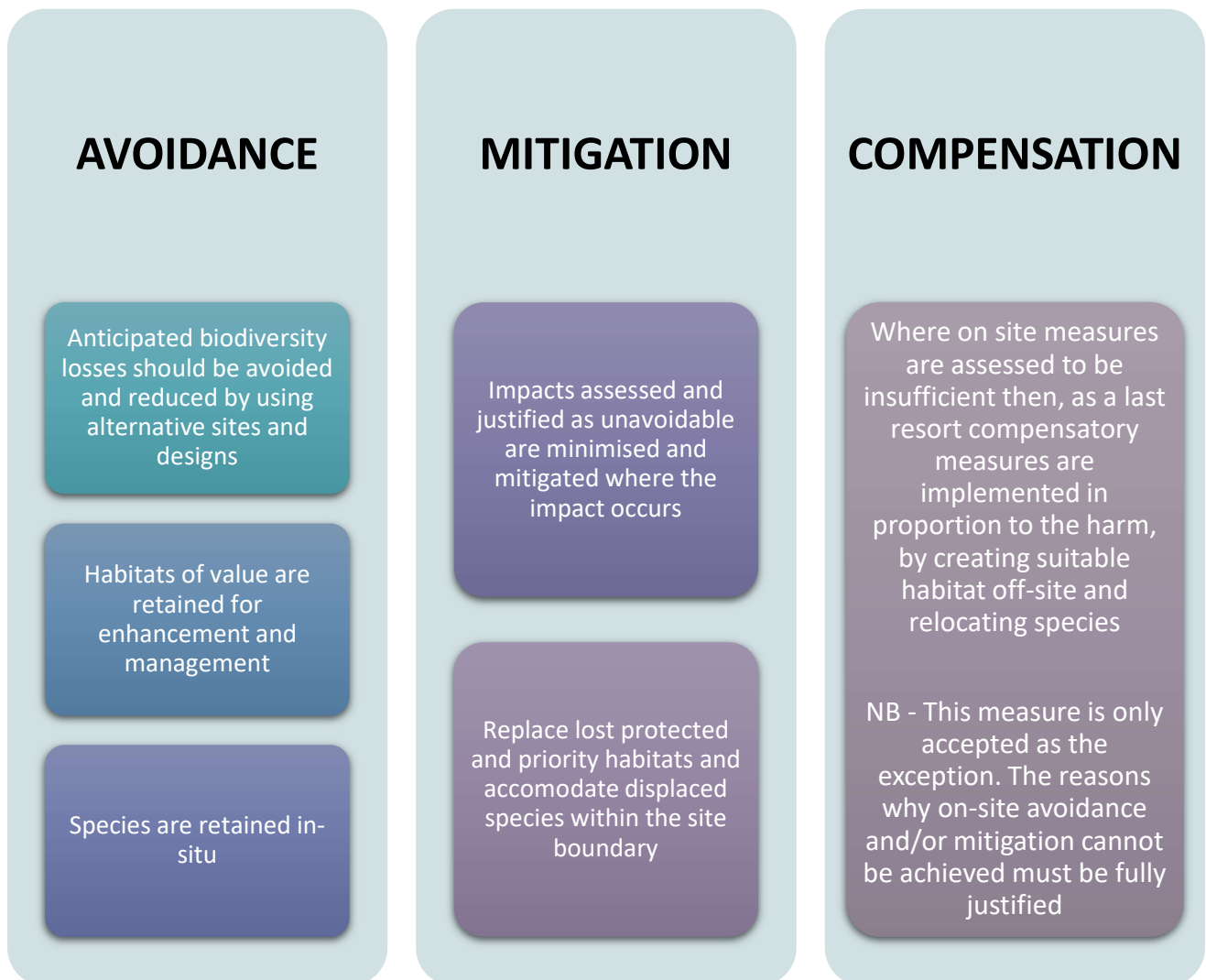
Where on-site mitigation is not possible or does not generate maximum benefit for biodiversity compensation, it should be delivered offsite having regard to the Green Infrastructure and Biodiversity Strategy and [Biodiversity Opportunities Maps](#) (ultimately these will form the basis for a Local Nature Recovery Strategy). Only as a last resort are developers able to purchase ‘Biodiversity credits’ that could secure net gain that is not local. ‘Outsourcing’ of BNG is the least favoured option.

Where significant harm resulting from development cannot be avoided, adequately mitigated or as a last resort compensated, then planning permission will be refused in line with the NPPF.

Schemes which result in a loss or deterioration of irreplaceable habitats will not be supported. These habitats include historic wetlands and species-rich grasslands, ancient woodland, including ancient semi-natural woodland and plantations on ancient woodland, and aged or veteran trees.

Where appropriate, Biodiversity Gain Plans (See section 10) will be agreed with applicants and specified by a condition, planning obligation, or conservation covenant setting out how long the developer should maintain the habitat creation or enhancement, with a minimum requirement of 30 years.

Figure 1: Mitigation Hierarchy



In providing information to the District Council on how the mitigation hierarchy has been applied, applicants are advised to answer the following questions:

- a) What impact does the proposed design have on identified assets?
- b) If there is an impact, can the scheme be re-designed to remove or reduce that impact?
- c) If the impact cannot be avoided, can the impacts be mitigated?
- d) If the impact cannot be avoided or mitigated, can it be compensated for?
- e) If compensatory measures are proposed, where will they be?
- f) What are the compensatory measures?
- g) How will they be applied?

7. BIODIVERSITY NET GAIN & THE BIODIVERSITY METRIC

Emerging legislation and Planning Guidance indicate that Biodiversity Net Gain (BNG) will be required for all development other than the following exemptions:

- Permitted development,
- Householder applications such as extensions, and
- Sites which do not contain habitats to start with such as change of use applications and those entirely comprising buildings and sealed surfaces (excluding the conversion of traditional barns)

BNG or biodiversity enhancements are additional to any measures necessary to deal with impacts from development projects and should not be used to provide either mitigation or compensation. BNG only applies once impacts to biodiversity have been avoided, mitigated and compensated in accordance with the Mitigation Hierarchy (Section 7). Where there are no anticipated impacts, development should still secure BNG.

To meet national policy requirements ahead of mandatory measurable net gain, applicants should ensure that biodiversity enhancements are included in a development to secure measurable net gains. Creating new habitat, enhancing existing habitat or providing new features all contribute towards biodiversity enhancement and BNG (see Section 8: Integrating biodiversity into development).

BNG does not replace existing protections, for example for statutory designated sites and protected species, and does not apply to irreplaceable habitats including ancient woodland, ancient and veteran trees, ancient grasslands.

All BNG should conform to Biodiversity Net Gain [Good Practice Principles for Development](#).

Demonstrating Biodiversity Net Gain

Demonstrating BNG requires an approach to measuring biodiversity. The [Biodiversity Metric](#) has been produced by Natural England as a tool for calculating and assessing an area's value to wildlife. Planning Practice Guidance supports the use of the Metric as a pragmatic way to calculate the impact of a development and the net gain that can be achieved.

The Metric uses habitat features to calculate a biodiversity value for a particular site and is to be used by people with competent ecological expertise. The metric calculates the values as 'biodiversity units' using the size of the habitat, its quality and location. Pre-development biodiversity value must be calculated before any site clearance or other habitat management work has taken place. The Environment Act Schedule 14 states that where a site has been cleared in advance by a developer, the biodiversity value will be calculated for the site as it was prior to 30th January 2020. The level of net gain is established by comparing the 'pre-development' unit score with the 'post development' unit score.

Biodiversity Net Gain can be achieved:

- Within the 'red line' application boundary through:
 - the creation of new habitats;
 - enhancing existing habitats; or
 - managing existing habitats better

- By biodiversity off-setting by:
 - Delivering biodiversity benefits on other land within the applicant's control and close to the development site, or
 - Securing an agreement with a land manager or landowner to deliver biodiversity benefits on their land, as close as possible to the development site, or
 - Financial compensation agreed with the Authority

A step by step guide to biodiversity and the planning application process can be found in Section 11 of this guidance note. As previously stated, this is current at the time of publication and may be subject to further revisions depending on government guidance.

BNG for small sites and householder applications

A simplified [small sites Biodiversity Metric](#) should be used to demonstrate biodiversity value and net gain on smaller sites that fall below the following thresholds, and where both of the following criteria are met:

- 1) Development sites where;
 - For residential developments the number of dwellings to be provided is between 1 and 9 inclusive, on a site having an area of less than one hectare;
 - Where the number of dwellings to be provided is not known the site area is less than 0.5 hectares; or
 - For all other development types where the site area is less than 0.5hectares or less than 5,000sqm

- 2) Where there is no priority habitat present within the development area (excluding hedgerows and arable margins)

Use of the small sites' metric is not mandatory however the District Council encourages its use to help improve the cumulative delivery of BNG. A pragmatic approach to the submission of a small sites' metric will be taken which recognises the additional burdens to smaller developers. For example, where proposals involve the regeneration of recently used urban brownfield sites a metric is unlikely to be warranted. Unless mandated, a judgement will be made by the Case Officer within the Development Management team at the Council as to whether one is needed.

BNG for larger applications

For larger developments, or where a priority habitat is present on site, the latest version of the Defra [Biodiversity Metric](#) should be used as a tool to inform the assessment of demonstrating biodiversity value and measurable mandatory net gain of at least 10%.

In cases where 10% BNG cannot be achieved on-site, the applicant may explore measures for the creation of compensatory biodiversity units on land off-site. This is known as biodiversity offsetting. Planning Practice Guidance indicates that such off-site measures can be secured on other land in the control of the developer or another party, or through 'habitat banks' which comprise areas of enhanced or created habitats which generate biodiversity unit 'credits'. This would be subject to the relevant agreements with landowners.

Any scheme for BNG must include a mechanism for delivery of the target habitats, management, and monitoring of their condition, and an approach to remediation in the event of targets not being met. Schemes for the delivery of BNG should be developed with regards to British Standard [BS8683:2021 "Process for designing and implementing biodiversity net gain – Specification"](#).

Planning conditions will be used to secure delivery of BNG measures and their long-term management. Obligations, such as Section 106 agreements or conservation covenants may be used where BNG is on land outside the applicant's control.

Achieving BNG

The Biodiversity Metric provides the tool for measuring BNG and the relative weights to varying habitats. However, it does not address some of the practical ways in which development proposals can secure this.

Opportunities are likely to exist within most development proposals to retain, create and manage habitats for biodiversity and provide BNG on-site. For example, wildlife habitats within landscaping or open space, or the inclusion of street trees within developments. (Section 8 gives more detail on opportunities to integrate biodiversity within development).

BNG should ideally be achieved on-site with retained and enhanced habitats, appropriate buffers and creation of habitats to increase connectivity for wildlife. Where BNG cannot be fully achieved on-site, off-site BNG can be explored having regard to the BOM and any emerging Local Nature Recovery Strategy.

Applicants should produce a Biodiversity Gain Plan including a management plan to ensure that the post development enhanced habitats can be effectively managed to achieve their target condition for a minimum 30-year period in line with DEFRA recommendations (see Section 10)

8. INTEGRATING BIODIVERSITY INTO DEVELOPMENT

Most development sites, even very small sites or those with limited landscaping, can provide opportunities for biodiversity enhancement through careful and well thought out design and species selection.

It should be noted that species-specific measures such as bird and bat boxes are not included within the Biodiversity Metric and as such cannot be counted towards BNG net gain. Instead, it focuses on the habitats that species need to forage and complete their life cycles, such as gardens, street trees and green roofs.

Landscaping and Planting Design

Landscape design in new development, including small scale and some types of householder development, should seek to retain, enhance and create habitats of value to biodiversity wherever possible. The retention of front gardens is encouraged as they can provide multiple environmental benefits.

Landscape elements can include boundary hedgerows, trees, wildflower grassland/flowering lawns, rain gardens and ponds. They can also include features for reptiles such as slow worm and grass snake to hibernate. New landscaping features can help to achieve biodiversity net gains, as well as contribute to the post development network for nature, allowing wildlife to move safely and easily. The use of native species of local provenance is encouraged as they generally offer more benefits to local wildlife than non-native species, as well as enhanced biosecurity.



Biodiverse garden, Wildlife Gardening Forum

Landscape design, both in garden spaces and in the wider public realm, should enhance existing habitats wherever possible and link them to new habitats created within the development, such as linking up blue and green corridors such as defunct hedgerows and tree corridors on and off site. National planning policy requires new streets to be tree-lined and that opportunities are taken to incorporate trees elsewhere in developments unless there are clear, justifiable and compelling reasons why this would be inappropriate.

Projects within the '[B-Lines](#)' identified by Buglife should include sustainable landscaping features of value to invertebrates, especially pollinators, including flowering lawns / wildflower grasslands, pollen and nectar-rich plants, shrubs and trees.



A 'wildflower' verge near East Midlands airport, Dave Lawrence

Ponds

Small and large ponds add value for biodiversity and wildlife. Pond creation or features that collect water during wet spells provide perfect habitats for aquatic insect life and amphibian species and link nicely with Sustainable Drainage Systems (SuDS) helping alleviate surface water flooding.



Common frog, Neville Yardy



Small garden pond



Smooth Newt, Chris Mattison

Wider benefits of landscaping

Landscaping features can also provide opportunities to create habitats that will address environmental challenges arising from climate change.

Green roofs can provide multiple benefits including reducing run-off and the urban heat island effect. Similarly, trees can create a cooling effect and provide opportunities for shade; tree planting systems specifically designed for built environments can provide an opportunity to capture and disperse excess surface water; trees and planting can improve air quality by absorbing and trapping pollutants and particulates. Permeable surfaces should be used around any trees retained within paved areas and new tree planting should be carried out in a way that ensures that the trees have access to sufficient soil and water to achieve maturity and maintain their health.

The use of food producing plants in landscaping has benefits including biodiversity enhancement, climate change adaptation, local amenity, and health and wellbeing. Opportunities include fruit producing trees in traditional or scattered orchards; fruit bushes and edible plants instead of ornamental plants; and communal allotment or beds.



Hazel hedgerow



Incredible edibles, the Bear Pit Bristol



Lavender borders

Boundaries

The arrangement of garden spaces within a development should aim to form a connected network, with links to surrounding green space and the wider landscape including Priority habitats and designated sites, thus forming part of a nature recovery network of bigger, better and well connected sites, rather than creating isolated pockets or islands within the built landscape.

Boundaries should be designed to facilitate the movement of wildlife between properties within a development. Native species rich hedgerows are the preferred boundary treatment. Fencing should be hedgehog friendly and hedgehog highways should be incorporated throughout the development.



Hedgehog friendly fencing



Kirklington Hedgehog Street

Sustainable Drainage Systems (SuDS)

SuDS can include permanent water features, such as ponds, as well as features such as rain gardens and swales that fill up during rainfall events to manage surface water run-off. SuDS have the potential to improve biodiversity by enhancing existing and creating new wildlife habitats and can deliver BNG if designed to provide natural habitats, particularly using locally native species. The Royal Society for the Protection of Birds and the Wildfowl and Wetlands Trust have produced [guidance](#) on maximising the benefits to biodiversity from SuDS alongside other functions. SuDS can also provide additional benefits such as improved air quality, improved water quality (filtering oils and pollution), noise mitigation and access to nature.

Inclusion of SuDS within a site is the preferred approach to managing rainfall and surface water runoff. It is essential that the management of water is considered at the earliest stage of a development and built into the design, although SuDs can also be retrofitted. The choice and design of SuDS must be appropriate to the site to ensure there is no adverse impact on groundwater quality.

Susdrain.org (created by Construction Industry Research and Information Association) provides a useful range of resources for those involved in delivering sustainable drainage systems (SuDS).



Sheffield grey to green project, Nigel Dunnett



Upton street swale

In relation to the development site location and layout, developers should check details of Registered Toad crossings and advice listed by [Froglife](#). This will help avoid direct impacts on known toad breeding populations from the discharge of the sustainable drainage systems constructed for the development, alongside considered design of raised kerbs and drains/gully pots within the development which can cause fragmentation of commuting routes, and trap and kill amphibious species.

SuDS can attract breeding amphibians and future migration routes should be considered to avoid creating new road or drain fatality hotspots. Measures such as avoiding gully pots or offsetting them from the edge of the kerb, using dropped kerbs where appropriate, and installing [amphibian ladders](#) in existing gully pots can help to protect and conserve amphibious and other species.

Biodiverse roofs and walls

Biodiverse, living or green roofs and walls can provide valuable habitat on sites, particularly where space for new habitat creation is constrained, and are therefore good options for highly urban developments. They can play an important role in providing new habitat for species displaced by the development, for invertebrates and wildlife species that already live in the city and gardens and for connecting up the wider landscape.

In addition to ecological and aesthetic improvements, biodiverse roofs can provide a range of other benefits, such as slowing storm runoff, reducing flood risk, cooling urban areas, increasing energy efficiency, sound insulation and a longer lifespan than a traditional roof. There is also evidence that green roofs increase the efficiency of photovoltaics.

- **Intensive living roofs**, with soil depths of over 350mm can support trees, shrubs and even water features. However, these will add a significant additional load to the roof structure and are likely to require substantial maintenance.

- **Extensive living roofs** have substrate depths of between 25mm and 125mm and add much lower loading to the roof structure than intensive roofs. These can support a range of plants and growing mediums and can be planted with a range of native grassland plants, using locally sourced growing mediums.
- **Biodiverse roofs** are constructed from layers of impermeable membrane, cushioning and a growth medium to provide a habitat for vegetation. Habitat design and species mix should support diverse habitats of local relevance, rather than monocultures which have aesthetic appeal but limited value to biodiversity. The use of native species of local provenance is encouraged. Thin substrate sedum systems do not maximize the biodiversity potential of green roofs and would not merit Good condition in the Metric.
- **Brown roofs**, landscaped with exposed substrates and a varied topography, supporting nectar and pollen rich flowering plants, are also a good alternative and can provide new habitat for invertebrates and other wildlife species such as birds.



Green roof on a garden shed, Countryfile magazine



Green roofs in London

Biodiverse walls normally incorporate permanent trellis work, spaced off the masonry, to support non-clinging climbers. They can be designed to avoid structures, gutters and downpipes, confining climbing vegetation to the wall itself. Climbing plants should be planted at least 40cm away from the wall in an irrigated plant pit stocked with nutrient-rich topsoil. Biodiverse walls have also been combined with trickle irrigation systems and growing media to support non-climbing plants directly on the walls themselves.

Biodiverse walls protect masonry from extreme temperatures, air pollution and rainfall. They can also provide nesting and feeding habitat for birds (particularly Wren, Robin and Blackbird) and other wildlife. Native plant species suited to creating climbing green walls include Honeysuckle (*Lonicera periclymenum*), Hop (*Humulus lupulus*), Traveller's Joy (*Clematis vitalba*), and Ivy (*Hedera helix*). Non-native climbing species can also provide nature conservation benefits if known to be pollen and nectar rich.



Living wall at Kings College London

Integrated boxes for Priority Species

In addition to other measures such as companion landscape planting which provides a food-source and supports the various stages of the lifecycle, a combination of bird, bat and insect boxes, should be provided to support other species. These should target Priority species and species of local conservation concern such as insects, house sparrow, starling and bats. High quality durable boxes can be acceptable on retained trees within the public realm but must be supported by a long-term plan for their maintenance and replacement.

Swift boxes and bricks

Swift boxes and bricks provide nesting accommodation for swifts either within brickwork (swift brick) or externally (swift box). These can be placed on any elevation, but ideally under shade-casting eaves and should be installed in groups of at least three, at a height above 4 metres.



Example of a swift brick

New build development of 5m or greater in height should incorporate swift bricks/boxes. Internal swift bricks that are integrated into the walls are preferred to external boxes, where feasible. As swift are colonial, it is better to install them in small groups of 2-6. As a guide Swift bricks/boxes should be sought at the following rate:

- Minor residential development to provide a minimum of 3 swift bricks, or two per residential unit, whichever is the greater;
- Minor commercial development to provide 3 swift boxes, or one per 50sqm of floorspace, whichever is the greater; and
- Major developments should seek to secure similar provision and will be recommended by an ecology advisor.

Bug-hotels and log piles

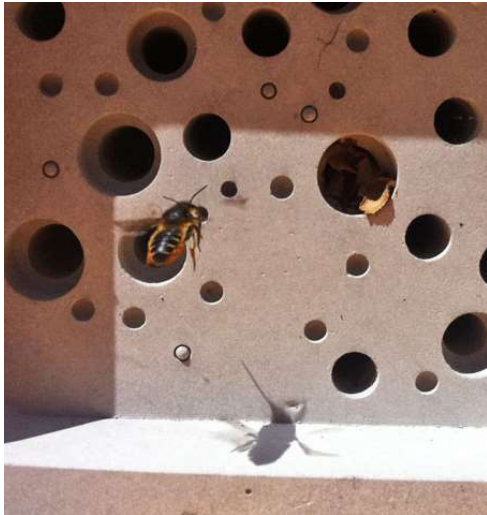
Inclusion of landscaping features that mimic natural insect habitats specifically dead wood piles and stands for beetles such as stag beetle, and nesting sites for solitary bees and wasps (Aculeate hymenoptera), when combined with biodiverse planting, provide easy wins for local wildlife including shelter and foraging opportunities for birds and bats and other mammals such as hedgehog. Features can be as small as a few logs piled in the corner linking to boundary hedges, or bug hotels comprising of wood drilled with small holes located in a sunny spot. If development requires vegetation or tree removal, the by products can be used to create instant habitat features on the site without the need to bring in outside materials and with no added costs.



Bee hotel

Bee bricks

All new build development and extensions to existing buildings should incorporate bee bricks at a rate of one bee brick per dwelling. Different requirements may be recommended for major applications. Bee bricks are integrated into the external walls of the development, in place of a standard brick. Complimentary planting, including nectar-rich species, should be provided within the landscaping to attract the bees and provide a food-source.



Example of bee bricks

Lighting

The extensive use of Artificial Lighting at Night (ALAN) creates an ever-increasing threat to wildlife ([Buglife UK](#)). Invertebrates can be especially affected by ALAN, including their feeding, migration and dispersal, predator avoidance and reproduction. These impacts can potentially have sustained consequences on insect diversity and the ecosystem services that they provide.

In cases where lighting must be used, there are methods to reduce the impact lights may have on the wider environment while simultaneously lighting our way – by using the right bulb, in the right place, for the right amount of time.

Lighting designed to reduce light pollution and avoid disturbing wildlife can include,

- avoiding the most damaging short wavelengths (blues and ultra-violet);
- avoiding directing light upwards, over water bodies and onto vegetation;
- better angling of light or installing shields to lights to illuminate only the necessary areas and limit light pollution.

Bat-sensitive lighting schemes should be designed in accordance with guidance produced by the Institution of Lighting Professionals, available [here](#).

Maintenance and management

To ensure long-term benefits for biodiversity are maximised, any measures incorporated within a development must be maintained and appropriately managed. Where measures provide mandatory biodiversity net gain, these must be maintained and managed for a minimum period of 30 years, as required by the Environment Act. Maintenance and management may be secured by planning condition, obligation or conservation covenant.

Management and monitoring are key and will determine whether schemes are successful, and the desired outcomes are achieved.

9. BIODIVERSITY GAIN PLAN

Planning permissions subject to mandatory Biodiversity Net Gain will be required to submit a Biodiversity Gain Plan (BGP) for planning authority approval prior to commencement. The BGP must relate to the development granted and must specify the following:

- Any information about the steps taken or to be taken to minimise the adverse effect of the development on the onsite biodiversity, how residual losses will be compensated for and any other affected features (mitigation plan);
- The pre-development biodiversity value of the onsite habitat, including any recent changes to the site that may have lowered the biodiversity value;
- The post-development biodiversity value of the onsite habitat;
- The biodiversity value of any offsite habitat provided in relation to the development;
- Any statutory biodiversity credits purchased (when available);
- How biodiversity will be protected during construction work,
- A costed management plan designed to deliver the required measurable biodiversity gain for a minimum of 30 years, plus
- Any further requirements as set out in secondary legislation in due course.

We will expect a BGP to provide compensation appropriate to the habitat types affected. This will provide replacement of the habitats lost (i.e., no net loss) together with an additional element which would constitute at least 10% biodiversity gain (measured in biodiversity units). Any compensation scheme may also need to incorporate appropriate measures to maintain and enhance any individual species populations where habitat creation and restoration proposals would not be sufficient to ensure that the population would be maintained in its natural range.

CIEEM have published [Biodiversity Net Gain Report and Audit Templates](#) that provide a useful framework for writing reports for projects aiming to achieve BNG. For outline applications, a Biodiversity Net Gain Feasibility Assessment report should be submitted, and for Full and Reserved Matters applications, a Biodiversity Net Gain Design Stage report should be submitted.

Future protection of land included in Biodiversity Gain Plans

Details of any land/site which is the subject of a biodiversity gain plan will be kept on record and will form part of constraint checking procedures for future development proposals (Natural England are currently developing the digital Biodiversity Gain Sites Register). If a development proposal is received which affects such a site, the land will be assessed as if the extent and condition of the biodiversity features intended to be provided by the compensation scheme have already been achieved. It is the applicant's responsibility to ensure that there is sufficient space and resources to enable the compensatory provision to function in perpetuity.

10. FINANCIAL CONTRIBUTIONS

We recognise that in some instances it may not be possible for a developer to achieve at least 10% biodiversity net gain on their development site following application of the mitigation hierarchy. In these circumstances, the developer should endeavour to provide BNG at an offset location themselves, or buy credits from a third party BNG provider, with a requirement for as close a location to the development as possible.

Where this is not possible and development is clearly justified, there will be an option for the developer, as part of the biodiversity gain plan, to make a financial contribution to the Authority for offsite compensation, thus ensuring that any damage in one place is compensated for somewhere else.

There is no fixed price for a biodiversity unit, and there is currently no national approach. It is left to each planning authority to determine financial compensation. We will consider each situation on a case by case basis having regard to the scale, condition and type of biodiversity lost together with the habitat creation costs. This will be set out in either a planning condition or legal agreement.

11. STEP BY STEP GUIDE TO BIODIVERSITY AND THE PLANNING APPLICATION PROCESS

The following tables summarise the main steps at each stage of the planning process to ensure development is in accordance with the mitigation hierarchy, provides appropriate and measurable biodiversity net gains, and that adequate information on biodiversity is provided. Adopting this approach ensures best practice for integrating biodiversity into the design of development is achieved.

Stage A - Pre-application and Design Stage

Step	Key considerations/actions	Outputs	Useful Links/Resources
1. First Impressions Survey (Biodiversity Checklist)	Check whether biodiversity features are present and likely to be affected.	Biodiversity Checklist. Preliminary Ecological Appraisal (PEA) including Ecological Constraints and Opportunities Plan (ECOP).	Appendix 4 sets out the Biodiversity Checklist to be used, including which types of planning applications do not require one.
2. Pre-application advice	Option to seek pre-application advice to ensure policy requirements are fully understood and to clarify the scope of any information likely to be required in further assessments.	Pre-Application Advice.	The council offers a paid pre-application advice service . Applicants needing to find an ecological consultant can use the find-a-consultant tool on the CIEEM website.
3. Ecological survey and assessment; BNG baseline assessment	Appropriate surveys and assessment carried out by suitably qualified ecologist. BNG habitat baseline assessment carried out using the relevant Defra Biodiversity Metric.	Ecological Impact Assessment with information from all ecological surveys including PEA / ECOP,	Where appropriate, planning applications will need to be supported by adequate ecological information , using up to date desk studies and site assessment

		and habitats and species surveys. Baseline Defra Metric.	See Section 6 for more detail.
4. Avoidance, mitigation and compensation	Scheme design and layout to avoid harm / impacts wherever possible; minimise impacts to identified features, firstly through adequate mitigation then compensation as a last resort.	Draft scheme design in accordance with the Mitigation Hierarchy	Design in accordance with the mitigation hierarchy should be considered as a sequential process, with each step in the hierarchy being considered in turn and incorporated into the design before the next step is considered. See Section 7 for more detail.
5. Biodiversity Net Gain	Design to incorporate enhancements to deliver net gains. Defra Biodiversity Metric completed, where relevant, to reflect design.	Completed Defra Metric. Draft Biodiversity Gain Plan (BGP)	BNG or biodiversity enhancements are additional to any measures necessary to deal with impacts from the development and should not be used to provide either mitigation or compensation. See section 8 for more detail.

Stage B – Application and Validation Stage

Step	Key considerations/actions	Outputs	Useful Links/Resources/Notes
Submission of planning application and accompanying information	Ensure the application includes: biodiversity checklist; PEA and ECOP report if no additional surveys required, or EclA incorporating protected species survey results, ECOP, assessment and mitigation where relevant; BGP including Biodiversity Metric calculations. Ensure all assessments undertaken in accordance with specified standards by suitably qualified professionals.	Biodiversity Checklist Ecological Surveys and Impact Assessment (where relevant) including EclA / PEA / ECOP Biodiversity Gain Plan (BGP)	Planning applications must be accompanied by all necessary and relevant ecological information for it to be validated and determined. This will vary between applications and will depend on the proposal and the site itself. If insufficient ecological information is provided the council may suggest the application is withdrawn, decline to validate the application, or refuse it on grounds that there is insufficient information to make a lawful determination.

Stage C – Post planning permission granted: Construction Phase

Step	Key considerations/actions	Outputs	Useful Links/Resources/Notes
Construction	Discharge any relevant planning conditions, such as Construction Environmental Management Plan (CEMP) and Landscape and Ecology Management Plan (LEMP).	Construction Environmental Management Plan (CEMP) and/or Landscape and Ecology Management Plan (LEMP)	The construction process may involve demolition or clearance of vegetation which has the potential for impacts on biodiversity. Practical measures which may be appropriate depending on the scale of development include:

	<p>Ensure good practice is followed during construction and CEMP adhered to, where relevant.</p>		<ul style="list-style-type: none"> • Sensitive siting and timing of construction activities including works compounds • Fencing to protect sensitive features • Wildlife exclusion barriers • Sensitive construction lighting • Provision of temporary shelters • Containment and control of invasive species <p>All protected and Priority species on site will need to be moved to a place of safety. This may include supervision of any habitat works by an Ecological Clerk of Works.</p>
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Stage D – Post-construction: Management and Monitoring

Step	Key considerations/actions	Outputs	Useful Links/Resources/Notes
Operation	<p>Ensure adequate provision is made for ongoing management and monitoring of biodiversity habitats retained or created, including any requirements relating to a LEMP, where relevant.</p> <p>This is key to determining whether schemes are successful,</p>	LEMP – Landscape and Ecology Management Plan	<p>Where habitats are retained within a development site boundary, the council will seek to secure their long- term management via condition requiring relevant details to be provided within a Landscape and Ecological Management Plan.</p> <p>All management plans should include appropriate monitoring to ensure effectiveness and should include a process</p>

	and the desired outcomes are achieved.		<p>for remediation and review for any measures that have not been effective.</p> <p>The Environment Act requires mandatory BNG habitat to be secured for at least 30 years via planning obligations or conservation covenants. More details of how BNG should be monitored is expected through secondary legislation.</p>
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APPENDIX 1: FAQs AND USEFUL RESOURCES

How do I know if my site contains or is near to a designated site, ancient woodland or priority habitat?

The mapped distribution of the following statutory and non-statutory sites can be found on the [Defra MAGIC mapping tool](#) under the Designations tab in the table of contents.

- Limestone Pavement Orders (Limestone pavement is an irreplaceable habitat)
- Local Nature Reserves
- National Nature Reserves
- Ramsar Sites
- Proposed Ramsar Sites
- Sites of Special Scientific Interest
- Special Areas of Conservation
- Candidate Special Areas of Conservation
- Sites of Community Importance
- Sites of Special Scientific Interest Impact Risk Zones
- Special Protection Areas
- Marine Conservation Zones

The MAGIC website also provides details (under the Habitats and Species / Habitats / Woodland tab) of:

- Ancient Woodland

How can I find records and conservation objectives for Designated Sites?

Natural England have an [online search tool](#) which lists details of all designated sites and links to the MAGIC mapping tool.

How do I know if my site contains or is near to a non-statutory designated site?

Nottinghamshire Biological and Geological Record Centre (NBGRC) publish data every 6 months. Local wildlife Sites are a local, non-statutory designation, that sit below (but complements) the national suite of statutorily designated Sites of Special Scientific Interest (SSSIs). They are of substantive value for the conservation of biodiversity and are home to rare and scarce species, or represent the best surviving examples of habitats that were once widespread and typical of the Nottinghamshire landscape.

Collectively, these sites form an essential ecological network and act as wildlife corridors and stepping-stones, allowing species to migrate and disperse between sites. The continued existence of these sites is vital to safeguard wildlife from the pressures of development, intensive agriculture and climate change. The following sites are frequently updated, and boundaries can be viewed on the [Nottinghamshire Insight Mapping](#) website.

- Local Wildlife Sites
- Local Geological Sites

What Priority Habitats (Habitats of Principal Importance) occur in Ashfield and how do I know where they might be?

Information about the location of some of these Priority Habitats can be found on the Defra MAGIC website <https://magic.defra.gov.uk/MagicMap.aspx> under the Habitats and Species tab in the Table of Contents.

While some areas of priority habitat are located within designated sites, priority habitat is not confined to them. Please note this information is based on the best habitat surveys currently available, which are not comprehensive. In some instances, priority habitat may occur in areas not included in the map. And due to technical difficulties, particularly in mapping habitat mosaics, the map may not always reflect habitat on the ground.

Will I need to engage an ecological consultant?

The need for an ecological consultant will depend on the details, scale and location of your proposal. The most common reason you may need the services of an ecologist is that a building project (development proposal) has been identified as having the potential to have an impact on important or legally protected wildlife (species and habitats).

How do I find an ecological consultant?

The Chartered Institute of Ecology and Environmental Management (CIEEM) provides a professional directory of its members. You can search the directory to find a competent ecologist or environmental manager based on the services you require and their location. Details of the directory can be found [here](#).

Information sources for desk based surveys

[Nottinghamshire Biological and Geological Records Centre](#) (NBGRC) is recognised as the central repository for local biodiversity information.

The [National Biodiversity Network](#) (NBN) should be consulted in addition (but not instead of) the NBGRC for any supplementary records.

APPENDIX 2: THE HIERARCHY OF SITES

When considering potential impacts on designated sites, it is important to consider the 'Integrity of the site' by reflecting on the conservation objectives and the reason the site was designated. The integrity of the site can be usefully defined as the sum of the site's ecological structure, function and processes across its whole area, which enables it to sustain the habitats and/or populations of species for which the site is designated.

Internationally Designated Sites: Habitats (European and European Marine) Sites

- Special Areas of Conservation
- Special Protection Areas
- Ramsar Sites

The presumption in favour of sustainable development does not apply where development is likely to have a significant effect on a Habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

A Habitat Regulations Assessment (HRA) will be required for development proposals which may impact upon a Habitats site. If it is determined that a plan or project is likely to have a significant effect on the interest features of a site, the proposal will be subject to an Appropriate Assessment, taking into account any mitigation measures designed to address impacts upon the designated site. Due to recent case law (People over wind), any mitigation measures intended to avoid or reduce the harmful effects of the plan or project on the site conserved should only be considered within an appropriate assessment (rather than at an earlier stage in the HRA).

Development which would adversely affect the integrity of Habitats sites will not be permitted unless there are no alternative solutions and there is an imperative reason of overriding public interest (IROPI) for permitting the development. If a priority natural habitat type or a priority species (as listed in Habitats Directive) is affected, development would only be permitted for reasons relating to human health, public safety or beneficial consequences of primary importance to the environment.

Nationally Designated Sites

- Sites of Special Scientific Interest
- Marine Conservation Zones
- National Nature Reserves
- Important hedgerows
- Irreplaceable Habitats

Development which is likely to have an adverse effect (directly or indirectly) on a Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ) or National Nature Reserve (NNR) (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site and any broader impacts on the national network of protected sites.

If a development proposal is agreed to, notwithstanding a negative assessment of the implications for the site, any compensatory measures will ensure that the overall coherence of the SSSI / MCZ / NNR network is protected.

Irreplaceable Habitats

Development resulting in the loss or deterioration of Irreplaceable Habitats should be refused unless there are wholly exceptional reasons. The biodiversity metric is not designed to quantify the biodiversity units that would be required to deliver BNG. Any biodiversity net gain plan relating to loss of irreplaceable habitat would require greater compensation than any biodiversity metric requirements and would need to be drawn up separately.

Important Hedgerows

Development resulting in the loss or deterioration of Important Hedgerows should be refused unless the need for the development clearly outweighs the loss of the hedgerow and its function as a wildlife corridor.

If a development proposal is agreed to, notwithstanding any impact on Important Hedgerows, then any compensation scheme must include hedgerow replacement details which reflect the style and species composition of the hedgerow to be lost and be situated where possible to restore and improve the coherence of the hedgerow network local to the development. Any proposed work to hedgerows must have due regard The Hedgerow Regulations 1997

Locally Designated Sites

- Local Nature Reserves
- Local Wildlife Sites
- Habitats of Principal Importance (Priority Habitats)

Development resulting in the loss or deterioration of locally designated sites (or sites which meet local site criteria) should be refused unless the benefits of the development in the location proposed clearly outweigh both the likely impact on the features for which the site was designated and the contribution that the site makes to the coherence of the core ecological network.

Species

Many site designations list certain species specifically as part of the reason for designation. But this does not preclude a requirement to consider species in relation to specific protections and policy requirements. Species may be included in one or several of the categories listed below.

- European Protected Species
- Protected Species (UK/England)
- Species of Principal Importance (Priority Species)
- 'Red' Listed species of Conservation Concern
- LBAP and SoCC species

APPENDIX 3: KEY LEGISLATION FOR BIODIVERSITY

Applicants must demonstrate that proposals are compliant with all relevant legislation regarding the protection of wildlife and habitats and should ensure that they receive the necessary professional advice to be able to do so. Current legislation is summarised below.

Legislation	Key Information
Environment Act 2021	<p>The Act sets out the Government's intention to improve air and water quality, protect wildlife, increase recycling and reduce plastic waste. A key part of the Act is to mandate biodiversity net gain (BNG) by amending the Town & Country Planning Act (TCPA). It is likely to become law in the form of BNG statutory instruments and regulations in 2023.</p> <p>It introduces a mandatory requirement for a minimum of 10% BNG in the planning system, above the pre-development value of the site unless exempt; biodiversity value and BNG to be measured using the Defra Biodiversity Metric by a suitably qualified and experienced ecologist; submission of a Biodiversity Gain Plan with planning applications; BNG to be provided on-site, off-site or through a statutory biodiversity credit scheme; habitat secured for at least 30 years via planning obligations or conservation covenants.</p> <p>The Act also introduces the concept of a national Nature Recovery Network (NRN) and the development of Local Nature Recovery Strategies (LNRS) across England.</p>
Wildlife and Countryside Act 1981 (as amended)	<p>The primary mechanism for the protection of all wildlife in the UK and includes schedules that set out those species with additional levels of protection. It also provides the basis for the identification of sites of national importance for nature conservation, Sites of Special Scientific Interest.</p>
Natural Environment and Rural Communities Act 2006	<p>Section 40 (as amended by the Environment Act) places a duty on public bodies in England to conserve and enhance biodiversity. It requires local authorities to have regard to the purpose of conserving and enhancing biodiversity in a manner that is consistent with the exercise of their normal functions such as policy and decision-making. Section 41 requires the Secretary of State to publish and maintain lists of species and types of habitats to be of "principal importance" for the purposes of conserving biodiversity, known as Priority habitats and species.</p>

<p>Conservation of Habitats and Species Regulations 2017 (as amended)</p>	<p>Often referred to as the Habitats Regulations, these provide protection for designated sites, habitats and species considered to be of international importance, including the designation of Habitats Sites and European Protected Species.</p>
<p>Protection of Badgers Act 1992</p>	<p>This Act refers specifically to Badgers, making it an offence to kill, injure or take a Badger, or to damage or interfere with a sett unless a licence is obtained from a statutory authority.</p>
<p>Hedgerow Regulations 1997</p>	<p>Although outside of the development management process, these Regulations provide a convenient framework for the identification of hedgerows with importance for wildlife, landscape and heritage. For projects that do not require planning consent, the requirements of the Regulations need to be met to permit the removal of any hedgerow or hedgerow section, except if it forms a curtilage to a property.</p>

APPENDIX 4: BIODIVERSITY CHECKLIST FOR APPLICANTS

The Biodiversity Checklist is designed to identify developments which may have an impact on biodiversity, particularly whether protected, Priority or notable species may be affected by proposals. Protected and Priority species are a material consideration in the planning process, and if there is a likelihood that a development will impact them, further information must be submitted in support of a planning application. Applicants or their agents should use the Biodiversity Checklist to carry out a 'first impressions' check of their application site (Stage A1). This should be carried out while on site and does not require ecological expertise.

The Checklist is **not required** for the following types of planning applications - advertisement applications, air conditioning units/air source heat pumps (and similar), changes of use, conversion to flats (if not affecting the roof), crossovers (where no hard standing needs to be created), extract ducting, fences, removal of fire escapes, roller blinds/shutters, satellite dishes, shop fronts, walls and gates, windows and doors.

All other types of development proposal must include a completed biodiversity checklist for the application to be validated. This includes householder applications where the development requires a planning application (not permitted development); listed building consents where the roof will be affected including roof lights, solar panels or floodlighting of churches or trees; full planning applications including single/two storey extensions and residential/commercial new build; and outline planning applications.

Failure to complete the Biodiversity Checklist accurately may result in your application not being validated and may cause delay to the determination process. There are two different Biodiversity Checklists:

- one for householder applications and
- one for all other types of planning applications.

Householder Applications Biodiversity Checklist

The Householder Biodiversity Checklist includes questions to help determine whether Protected or Priority species may be affected and whether further information may be required. If the answer is 'yes' to any of the questions listed, an ecological report may be required to assess impacts and provide for appropriate avoidance, mitigation and compensation.

Question 1: Will the proposals affect (e.g., modify or demolish) existing buildings with any of the following features:
(These could indicate the likelihood of bats being present and may trigger the need for assessment to support an application)

Features	Response
Weather boarding, roof voids and/or hanging tiles that are within 200m of woodland, designated nature sites, and/or fresh water	Yes / No
Pre-1960 detached buildings or structures within 200m of woodland, designated nature sites and/or fresh water	Yes / No
Pre-1914 buildings or structures within 400m of woodland, designated nature sites and/or fresh water	Yes / No
Pre-1914 buildings with gable ends, traditional clay tile roofs or slate roofs, hanging tiles or weather boarding (regardless of location)	Yes / No
Located within, or immediately adjacent to woodland, designated nature sites and/or immediately adjacent to fresh water	Yes / No
Underground structures including, but not limited to, cellars, icehouses, air raid shelters	Yes / No
Any structure with gaps around roof structures such as flashing, ridge tiles, fascia and soffit boards within 200m of woodland, designated nature site and/or fresh water	Yes / No
Structures where there is known current or historic bat use	Yes/No

Question 2: Do the proposals involve felling, removal or works to:

Features	Response
Woodland	Yes / No
Native hedgerows and/or lines of trees	Yes / No
Old and veteran trees (<i>Veteran trees are those which are of interest biologically, culturally or aesthetically because of its age, size or condition. Veteran trees often have decay features such as branch death or hollowing</i>)	Yes / No
Mature trees with holes, cracks, cavities, or that are covered with mature ivy (including dead trees)	Yes / No

Question 3: Do the proposals involve the removal/modification of mature garden features?

Features including rough grassland; large mature compost heap; large mature log pile; large rockery; scrub; copse; allotment; orchard.	Yes / No
--	----------

Question 4: Do the proposals involve the removal/modification of a (permanent or temporary) water body, such as a pond?

Yes / No

Notes:

- Woodland, some wetland habitats, and designated nature sites can be viewed magic.gov.uk

If you have answered YES to any of the above questions you may need an ecological assessment. In the first instance, a Preliminary Ecological Appraisal (PEA) will be required. A full Ecological Impact Assessment may be required where the PEA indicates that priority habitats or species may be affected (See Sections 6 and 11). This should be addressed before you submit your planning application by seeking further advice from a [professional and suitably qualified ecologist](#).

Assessments should be proportionate to the size of the site and the nature of the proposals. If your ecologist considers the impacts on ecology are negligible, they should provide justification with clear photographs to explain why. This must include an explanation of how all potential impacts on biodiversity will be avoided and/or why protected and Priority species are not an issue on your site. If the ecological information received does not provide certainty of likely impacts, the application may be refused.

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1	Have all questions on all sections been completed?	Y/N	If YES, go to 2	If NO, application should not be validated
2	Have any questions been answered "Yes"?	Y/N	If YES, go to 3	If NO, application can be validated
3	Has a separate ecological statement, report or other supporting information been submitted to identify and address potential impacts	Y/N	If YES application can be validated	If NO, application should not be validated

Full and Outline Applications Biodiversity Checklist

The Checklist for other types of planning application includes indicative thresholds and criteria which will trigger the consideration of Protected and Priority species, based on the likelihood of these being present and affected by development. It should be used by applicants to identify which ecological surveys are likely to be necessary for an individual development given its condition and location. If the checklist indicates that species may be present and affected, a suitably qualified ecologist should ensure any necessary ecological surveys are undertaken in the appropriate season. Where a suitably qualified ecologist considers that surveys are necessary, these will need to be carried out and submitted alongside the planning application in order for it to be validated.

Proposals for Development That Will Trigger a Survey for the relevant Protected, Priority or Notable Species		Bats	Barn Owls	Breeding Birds	Gt. Crested Newts	Dormouse	Water vole	Badger	Reptiles	Amphibians	Schedule 8 Plants & Fungi	Stag Beetle	Aculeate hymenoptera	Other Priority Species	Notable species of local concern (e.g. swifts)	Response (please tick)			
Proposals affect existing buildings with any of the following:	All buildings with weather boarding, roof voids and/or hanging tiles that are within 200m of woodland and/or fresh water	Y																	
	Pre-1960 detached buildings or structures within 200m of woodland and/or fresh water;	Y																	
	Pre-1914 buildings or structures within 400m of woodland and/or fresh water;	Y																	
	Pre-1914 buildings with gable ends, traditional clay tile roofs or slate roofs, hanging tiles or weather boarding regardless of location;	Y																	
	All tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures;	Y																	
	All bridge structures (especially over water and wet ground).	Y					Y												
	Any structure with gaps around roof structures such as flashing, ridge tiles, fascia and soffit boards within 200m of woodland and/or fresh water	Y																	
	Structures where there is known current or historic bat use	Y																	

Proposals for Development That Will Trigger a Survey for the relevant Protected, Priority or Notable Species		Bats	Barn Owls	Breeding Birds	Gt. Crested Newts	Dormouse	Water vole	Badger	Reptiles	Amphibians	Schedule 8 Plants & Fungi	Stag Beetle	Aculeate hymenoptera	Other Priority Species	Notable species of local concern (e.g. swifts)	Response (please tick)
Proposals involving lighting of churches and listed buildings or flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.		Y	Y	Y		Y										
Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.		Y		Y		Y		Y			Y	Y				
Proposals within 200m of a designated site for nature conservation		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Proposed tree work (felling or lopping) and/or development affecting:	old and Veteran trees that are older than 100 years;	Y	Y	Y								Y				
	trees with obvious holes, cracks or cavities;	Y	Y	Y												
	trees with a diameter greater than 1m at chest height;	Y	Y	Y												
Proposals affecting natural cliff faces, crevices or caves.		Y		Y	Y				Y				Y			
Major proposals within 500m of a pond or Minor proposals within 100-250m of pond, or where the site or part of it lies within a District Licensing Amber or Red Risk Zone for Great Crested Newts?					Y		Y			Y						
Proposals affecting or within 200m of a river, stream, lake, or other aquatic habitats such as reedbed, grazing marsh and fen.		Y		Y			Y		Y	Y	Y					
Proposals affecting brownfield sites, allotments and railway land which involve a change to derelict areas with exposed soil, brambles, piles of rubble etc of more than 100m ² .				Y	Y			Y	Y	Y		Y				
Loss or modification of grassland grazed by horses, cattle or sheep, or more than about 100m ²											Y		Y	Y		
Proposals for large wind turbines: see Scottish Natural Heritage et al Bats and Onshore Wind Turbines: Survey, Assessment and Mitigation		Y		Y												

Proposals for Development That Will Trigger a Survey for the relevant Protected, Priority or Notable Species	Bats	Barn Owls	Breeding Birds	Gt. Crested Newts	Dormouse	Water vole	Badger	Reptiles	Amphibians	Schedule 8 Plants & Fungi	Stag Beetle	Aculeate hymenoptera	Other Priority Species	Notable species of local concern (e.g. swifts)	Response (please tick)
Proposed development affecting any buildings, structures, feature or locations where protected, notable or Priority species are known to be present.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		

Notes:

- Woodland, some wetland habitats, and designated nature sites can be viewed magic.gov.uk

If you have ticked any of the above questions you are likely to need an ecological assessment. In the first instance, a Preliminary Ecological Appraisal (PEA) will be required. A full Ecological Impact Assessment may be required where the PEA indicates that priority habitats or species may be affected (See Section 6 and 11). This should be addressed before you submit your planning application by seeking further advice from a professional and suitably qualified ecologist.

Exceptions for When a Full Species Survey and Assessment may not be Required

- Following consultation by the applicant at the pre-application stage, the Council's ecological adviser has stated in writing that no protected or Priority species surveys and assessments are required.
- If it is clear that no protected or Priority species are present, despite the guidance in the above table indicating that they are likely, the applicant should provide evidence with the planning application to demonstrate that such species are absent (e.g. this might be in the form of a brief report from a suitably qualified and experienced ecologist, or a relevant local nature conservation organisation).
- If it is clear that the development proposal will not affect any protected or Priority species present, then only limited information needs to be submitted. This information should, however, (i) demonstrate that there will be no significant impact on any

protected or Priority species present (this includes protecting habitats not to be impacted by the development during construction and post construction phases), and (ii) include a statement acknowledging that the applicant is aware that it is a criminal offence to disturb or harm protected species should they subsequently be found or disturbed.

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1	Have all questions on all sections been completed?	Y/N	If YES, go to 2	If NO, application should not be validated
2	Have any questions been answered "Yes"?	Y/N	If YES, go to 3	If NO, application can be validated
3	Has a separate ecological statement, report or other supporting information been submitted to identify and address potential impacts	Y/N	If YES application can be validated	If NO, application should not be validated

APPENDIX 5: GLOSSARY

Acronyms

BNG	Biodiversity Net Gain
BOA	Biodiversity Opportunity Areas
CIEEM	Chartered Institute of Ecology and Environmental Management
EcIA	Ecological Impact Assessment
ECOP	Ecological Constraints and Opportunities Plan
EIA	Environmental Impact Assessment
HRA	Habitats Regulations Assessment
LNP	Local Nature Partnership
LNR	Local Nature Reserve
LNRS	Local Nature Recovery Strategy
LWS	Local Wildlife Site
NRN	Nature Recovery Network
PEA	Preliminary Ecological Appraisal
ppSPA	possible potential Special Protection Area
SAC	Special Area of Conservation
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Urban Drainage Systems
UNESCO	United Nations Educational, Scientific and Cultural Organization

Definitions

Ancient or veteran tree: A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

Ancient woodland: An area (with ancient soil ecology) that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites. Soils are a vital component of ancient woodlands due to the time

(centuries or millennia) taken to form and their relative lack of disturbance means they are hugely complex and diverse.

Biodiversity: the variety of life that can be found on Earth (plants, animals, fungi and micro-organisms) and the habitats in which they live.

Biodiversity baseline: Assessment of existing / current biodiversity conditions to provide a starting point (e.g., pre-project condition of biodiversity) against which comparisons can be made (e.g., post-impact condition of biodiversity), allowing the change in biodiversity to be quantified.

Biodiversity Gain Plan: A document detailing how a project has followed the mitigation hierarchy and also then achieved BNG in addition to any/all required mitigation.

Biodiversity metric: A Biodiversity metric has been developed by Defra. It is a tool used to measure and quantify biodiversity and assess changes (losses and gains) in biodiversity associated with development. The current metric (Version 3.1 was published on the 21.04.2022) only measures habitats and does not take species into consideration.

Biodiversity Net Gain (BNG): Where the natural environment is left in a measurable better condition after development than before. Gains in biodiversity must be greater than any losses in biodiversity following the implementation of a development to achieve biodiversity net gain (BNG). The Environment Act 2021 seeks mandatory measurable BNG for development that qualifies.

Biodiversity Offsetting: Biodiversity offsetting are conservation activities that are designed to give biodiversity benefits to compensate for losses - ensuring that when a development damages nature (and this damage cannot be avoided or mitigated) new nature sites will be created. Where appropriate, biodiversity offsetting is an option available to developers to fulfil their obligations under the planning system's mitigation hierarchy.

Biodiversity Units: The unit of measurement used by the Biodiversity Metric. The units come in three types: area, riverine and hedgerow/line of trees.

Conservation covenants: are private, voluntary agreements between a landowner and a "responsible body", such as a conservation charity or government body. The covenant binds the initial landowner and subsequent landowners to ensure long-term conservation and environmental benefits on net gain sites (Environment Act)]

Ecological Impact Assessment (EclA): The process of identifying, quantifying and evaluating the potential effects of development-related impacts or other proposed actions on habitats, species and ecosystems.

Ecological networks: An ecological network is a network generally made up of 5 components:

- Core areas of high nature conservation value which contain rare or important habitats or ecosystem services. They include protected wildlife sites and other semi-natural areas of high ecological quality.

- Corridors and 'stepping-stones' enabling species to move between core areas. These can be made up of a number of small sites acting as 'stepping-stones' or a mosaic of habitats that allows species to move and supports ecosystem functions.
- Restoration areas, where strategies are put in place to create high value areas (the 'core areas' of the future), restoring ecological functions and wildlife.
- Buffer zones that protect core areas, restoration areas, and 'stepping-stones' from adverse impacts in the wider environment.
- Sustainable use areas, areas of surrounding land that are managed in a sustainable and wildlife friendly way. The ecological networks for different species work at varying scales: some species need a large area, others a much smaller area.

Environmental impact assessment: A procedure to be followed for certain types of projects to ensure that decisions are made in full knowledge of any likely significant effects on the environment. The ecological information can form the ecology chapter as part of the process.

European site: Defined in the Regulation 8 of the Conservation of Habitats and Species Regulations 2017 as: Special Areas of Conservation, Sites of Community Importance, candidate Special Areas of Conservation and Special Protection Areas.

Habitat Creation: Habitat creation involves the creation of a habitat where it does not currently exist. For example: establishment of a species rich grassland on land previously used as a car park.

Habitat Restoration: Involves remediation of a habitat to a condition higher than its current state or that was likely to exist in the recent past.

Habitats Banks: Sites where habitat is created in advance, prior to any loss occurring. This habitat will need to be secured and managed long-term.

Habitats site: Used in the NPPF to define any site which would be included within the definition at Regulation 8 of the Conservation of Habitats and Species Regulations 2017. Includes: European sites and European Marine sites defined above. In addition, for the purposes of the NPPF potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites and sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

Important Hedgerows: Hedgerows which meet the criteria listed in the Hedgerow Regulations 1997 will be considered to be 'Important Hedgerows'.

International, national and locally designated sites of importance for biodiversity: All international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local Wildlife Sites.

Irreplaceable habitat: Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their

age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen. (Definition taken from the NPPF)

Local Nature Recovery Strategies (LNRS): will set out locally agreed priorities and opportunities for nature recovery in written and mapped form.

Material Consideration: A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. Can include (but not limited to) nature conservation, government policy and previous planning decisions.

Mitigation Hierarchy: The principle that environmental harm resulting from a development should be avoided as a priority, adequately mitigated, or, as a last resort, compensated for (NPPF, 2021).

National biodiversity credits scheme. The Environment Act makes provision for the Secretary of State to set up a system of statutory biodiversity credits that will be invested in habitat creation. The credits can be bought by developers as a last resort when onsite and local offsite provision of habitat cannot deliver the BNG required. The price of biodiversity credits will be set higher than prices for equivalent biodiversity gain on the market. The intention is that this system will be run by a national body, not at the local level.

Natural Capital: Can be defined as the world's stocks of natural assets which include geology, soil, air, water, and all living things (biodiversity).

Nature Recovery Network: An expanding, increasingly connected, network of wildlife rich habitats supporting species recovery, alongside wider benefits such as carbon capture, water quality improvements, natural flood risk management and recreation. It is likely to include and expand upon the existing ecological networks including protected sites, other wildlife rich habitats (priority habitats), as well as landscape or catchment scale recovery areas and corridors where there is coordinated action for species and habitats.

Priority habitats and species: Commonly used term for Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

Special Areas of Conservation: Areas defined by regulation 3 of the Conservation of Habitats and Species Regulations 2017 which have been given special protection as important conservation sites

Species and Habitats of Principal Importance: Habitats and species included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

Wildlife corridor: Areas of habitat connecting wildlife populations or habitats of importance together

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