

Central Lancashire Biodiversity and Nature Conservation Supplementary Planning Document

Consultation Draft

November 2014

Chorley
Council



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A: INTRODUCTION

What is a Supplementary Planning Document (SPD) and what is the purpose of this SPD?

1. Supplementary Planning Documents (SPDs) provide further detail and guidance in relation to policies and proposals within the development plan; although they do not form part of the statutory development plan themselves. SPDs must be consistent with national planning policies, as well as the policies set out in the development plan.

2. This SPD is one of a suite of Central Lancashire SPDs that have been prepared in accordance with the Local Planning Regulations (SI 2012 No.767) and the National Planning Policy Framework (the Framework), conforming and responding to all relevant local and national policies, and based upon a robust and up-to-date evidence base. These SPDs form part of the Local Development Framework (LDF) for the Central Lancashire authorities of Chorley, Preston and South Ribble. They are to be considered alongside policy in the Central Lancashire Core Strategy and the Site Allocations and Development Management Policies Development Plan Documents (DPDs) - now referred to as Local Plans, of the three authorities. The SPD guidance should therefore be taken into consideration from the earliest stages of the development process of any site, including any purchase negotiations and in the preparation of development schemes.

3. The Central Lancashire Councils recognise the important contribution that planning can make to improving biodiversity within Central Lancashire. This includes enhancing the international, national and local areas of recognised importance, as well as species and habitats. To this end, the Councils have worked with The Wildlife Trust for Lancashire, Manchester & North Merseyside (The Wildlife Trust) and Lancashire Environment Record Network (LERN) to produce this Biodiversity and Nature Conservation SPD.

4. Development can have a negative impact on biodiversity, both directly, through the destruction of habitat, and indirectly. These impacts can be significant

and lead to the decline of biodiversity. Development can also have positive impacts for biodiversity for sites where there is little wildlife, by integrating new habitats with adjacent spaces. The main goal of this SPD is to ensure that there is no net loss of nature conservation assets, and where appropriate there is an improvement in them. It explains the Councils' approach as local planning authorities towards conserving, protecting and enhancing biodiversity and ecological networks.

5. This SPD provides guidance for applicants in terms of understanding the relevant Central Lancashire policies and what is required as part of the planning application process. This includes guidance in relation to ecological networks. Once adopted, this SPD should be afforded significant weight as a material consideration in determining planning applications.

What is biodiversity and why is it important?

6. Biodiversity is defined as 'the variety of all life on earth' in the Government's Biodiversity Strategy - 'Biodiversity 2020 – A Strategy for England's wildlife and ecosystem services'. Natural ecosystems provide us with a wide range of goods and services that support our economic and social wellbeing. These include essentials such as food, fresh water and clean air, and also services such as protection from natural disasters and regulation of our climate. Biodiversity is important for its own sake and Central Lancashire supports species and habitats of international, national and local importance.

B: LEGISLATIVE FRAMEWORK

Key Legislation

7. Key legislation in relation to biodiversity and nature conservation that is of relevance to this SPD includes:

- **The Conservation of Species and Habitat Regulations 2010:** These Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- **The Natural Environment and Rural Communities Act 2006:** This includes the duty on public bodies, including local planning authorities, to have proper regard to conserving biodiversity in the exercise of their functions. It also lists species and habitats of principal importance for biodiversity in England.
- **Wildlife and Countryside Act 1981:** The Act covers protection of wildlife (birds, and some animals and plants), the countryside and the designation of protected areas including Sites of Special Scientific Interest (SSSIs) that are identified for their flora, fauna, geological or physiographical features.
- **The Water Framework Directive:** This came into force in December 2000 and became part of UK law in December 2003. It applies to all surface

freshwater bodies (including lakes, rivers and streams), groundwater, groundwater dependant ecosystems, estuaries and coastal waters out to one mile from low water. The Directive aims to improve the ecological health of inland and coastal waters and prevent further deterioration. The overall aim is for all inland and coastal water bodies to reach at least "good" ecological status by 2015.

8. There is other legislation covering biodiversity such as the Protection of Badgers Act 1992. A list of legislation covering wildlife & the countryside can be found on Gov.uk website or by following the link www.gov.uk/badgers-protection-surveys-and-licences

What is a protected species?

9. Legislation in the United Kingdom, under domestic or European law, provides for the protection of certain species of wild plants, birds and animals. The degree of protection could be partial (e.g. trade is prohibited) or full, in which case the disturbance, killing or injuring of one of the species could constitute an offence. Breeding places and sheltering places associated with protected species are also protected. Details of the species which are protected under the various pieces of legislation can be found on the gov.uk website at <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

C: PLANNING POLICY

National Policy

10. Guidance on planning policy is issued by Central Government in the Framework. Local Planning Authorities have to take the contents of the Framework into account when determining planning applications and preparing Local Plans and Supplementary Planning Documents.

11. The Framework includes a range of requirements relating to biodiversity that are relevant to this SPD, It states that:

- the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures [paragraph 109].
- local planning authorities should set criteria-based policies against which proposals for development on or affecting protected wildlife will be judged.

Distinctions should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and give appropriate weight to their importance and the contribution that they make to wider ecological networks [paragraph 113].

12. To minimise impacts on biodiversity the Framework sets out, at paragraph 117, that planning policies should:

- Plan for biodiversity at a landscape scale across local authority boundaries
- Identify and map components of the local 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 local partnerships for habitat restoration or creation.
- Promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets

13. The Framework states [paragraph 118] that when determining planning applications, local planning authorities should apply the following principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused
- Proposed development on land within or outside a SSSI likely to have an adverse effect on a SSSI should not normally be permitted
- Opportunities to incorporate biodiversity in and around developments should be encouraged
- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats

Local Policy

14. The Framework policy requirements are reflected in the Central Lancashire Core Strategy and the emerging Local Plans for each of the three local authorities.

15. The Core Strategy is the key planning policy document for Central Lancashire, as it sets the overarching vision for the area. It is underpinned by the emerging Local Plans for each of the three local authorities. The Central Lancashire Core Strategy was adopted in July 2012. This SPD relates to Core Strategy Policy 22 on Biodiversity and Geodiversity, which aims to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area, through a series of measures.

16. In addition, the three Central Lancashire authorities each have a policy on Biodiversity and Nature Conservation in their emerging Local Plans. These policies were produced in conjunction with advice from the Lancashire Environmental Records Network (LERN) and the Wildlife Trust. They address the same issues, although there are some differences in the detailed policy wording. Chorley and

Preston also have policies on Species Protection. Appendix 1 contains the local policies for the three authorities.

17. Section F of this SPD deals with Biodiversity and the Planning Application Process. This sets out how these policies will be applied in relation to the planning application process.

D: DESIGNATED SITES

18. Some sites have a statutory designation and are protected by legislation such as the Conservation of Species and Habitat Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

19 The following types of sites are identified on the Local Plan Policies Maps of each local authority and are protected by the Local Plan Policies on Biodiversity and Nature Conservation:

- International Sites designated under European legislation, which include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). The Ribble and Alt Estuaries SPA is an example. This site is also designated as a Ramsar site, which are wetlands of international importance.
- Sites of National importance for conservation, which are designated as Sites of Special Scientific Interest (SSSIs)
- Locally important sites, which may have been designated as Local Wildlife Sites – known in Lancashire as Biological Heritage Sites (BHSs) and Local Geodiversity Sites (LGS, formerly RIGs).

E: THE LANCASHIRE ECOLOGICAL NETWORK

What are Ecological Networks?

20. The 'Making Space for Nature' (2010) report was an independent national review of England's wildlife sites and the connections between them. It concluded that the conservation objectives behind the identification of sites cannot be successfully achieved if sites remain, or become, further fragmented and isolated from each other. Particularly when considered in the light of the need for species to be able to respond to potential environmental changes arising from climate change.

21. It recommended that ecological connections which exist between high quality sites are maintained, and developed, to allow species populations, or at least their genes, to move between them to establish a coherent and resilient network.

22. This review has informed national planning policy in the Framework, which requires Local Planning Authorities to identify, preserve, restore and re-create ecological networks linking existing sites of biodiversity importance.

23. The priorities for action to enhance the resilience and coherence of ecological networks are summarised by the mantra: *better, bigger, more and joined*. To achieve this, 'Making Space for Nature' recommends:

1. Improving the quality of current sites by better habitat management.
2. Increasing the size of current wildlife sites.
3. Enhancing connections between, or join up, sites, either through physical corridors, or through 'stepping stones'.
4. Creating new sites.
5. Reduce the pressures on wildlife by improving the wider environment, including through buffering wildlife sites.

24. Core Strategy Policy 22 and the individual authority Local Plans all refer to ecological networks. This SPD includes guidance on how to deal with development which is located within an ecological network.

What is the Lancashire Ecological Network?

25. In Lancashire, ecological networks are being mapped, on behalf of the Lancashire Local Nature partnership, in response to the recommendations contained in the 'Making Space for Nature' review and to assist local planning authorities to comply with the Framework.

26. The Lancashire Ecological Network (the Network) seeks to identify linkages between known wildlife sites. The Network is mapped using existing data about wildlife sites, habitats and species preferences. These data are evaluated to identify areas of high 'landscape integrity' where habitats are in relatively natural condition and have lower levels of human modification. Separate habitat preference maps were created for three different broad habitat groups:

- Woodland and Scrub;
- Grassland;
- Wetland and Heath.

These habitat groups are likely to support species that are believed to have similar preferences and needs.

27. Mapping software was used to identify the best connections between core habitat sites for each species group using a series of steps:

1. Identify Core Areas
2. Map Habitat suitability

3. Identify corridors connecting core sites based on the 'least cost path' between core areas.
28. A more detailed summary of the development of the Lancashire Ecological Network will be published at a later date.

Elements of the Lancashire Ecological Network

29. For each of the three identified broad habitat groupings, the following components have been identified:

Core Areas:

30. These are identified wildlife sites of at least county importance. All Core Areas are classified by the priority habitat groupings for which they are of importance. The following types of wildlife site are included in Core Areas:

- Natura 2000 ('European sites'), which are international designations
- Biological Sites of Special Scientific Interest
- Biological Heritage Sites;
- Local Nature Reserves of County importance.

Therefore, many existing designated sites form part of the ecological network.

Corridors:

31. Corridors comprise continuous stretches of permeable habitat that can, over time, be utilised by species to move between Core Areas. They are classified by length (0 – 250m, 250m - 3km, 3 – 5km). Corridors can contain habitat features which also act as Stepping Stones. In general, shorter routes, and routes through higher quality habitat, are preferable for habitat connectivity as species are more likely to successfully move through sites. Long paths between sites may represent paths that are only accessible to some species.

32. Attention is focused on corridors of 3 kilometres or less as the corridors that are most likely to be contributing to movement of individuals and species. This distance represents an intermediate dispersal capability and is proposed as an interim standard for evaluating overall network condition and connectivity. This measure can be adjusted upwards or downwards for individual habitat types or for all habitat types as future research indicates is appropriate.

Stepping Stones:

33. Mapping ecological corridors and protected sites allows areas that are potential stepping stones to be highlighted — high quality habitats occurring in long corridors. Stepping Stones include:
- District level wildlife sites (where these exist) and Local Nature Reserves (of district wildlife significance) and important road verges. These are classified in respect of the priority habitats they support.
 - Areas of priority habitat, outside protected sites but within, or partially within, the ecological network corridor.

34. The Core Areas, Corridors of 3km or less and Stepping Stones are the Primary Features of the Network.

Ecological Network Mapping

35. The Ecological Network mapping can be viewed on the Lancashire County Council website at <http://mario.lancashire.gov.uk/agsmario/> (not available yet)

36. Information on integrating Ecological Networks in the development process is found in the following section on Biodiversity and the Planning Application process.

F: Biodiversity and the Planning Application Process

37. This section sets out how biodiversity and nature conservation can be integrated into the planning application process. The following flowchart guides applicants and officers through the steps that should be taken to ensure biodiversity is addressed as part of proposals.

38. Core Strategy Policy 22 on Biodiversity and Geodiversity aims to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area, through a series of measures including promoting the conservation and enhancement of biological diversity and seeking opportunities to conserve, enhance and expand ecological networks. The full text of the policy can be found in Appendix 1.

39. The Policies on Biodiversity and Nature Conservation in each of the emerging Local Plans include criteria to:

- protect and safeguard all designated sites and ecological networks
- protect, safeguard and enhance habitats for European, nationally and locally important species
- protect, conserve, restore and enhance ecological networks and provide links to the network from and/or through the proposed development site
- take account of the ecology of the site and the surrounding area, unless justified otherwise (Chorley and Preston only)

40. In addition the policies also include a range of other criteria, including:

- the need to provide net gains in biodiversity, where possible, and ensuring that any adverse impacts are avoided, or if unavoidable, are reduced or appropriately mitigated and/or compensated
- where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, requiring planning applications to be accompanied by a survey undertaken by an appropriate qualified professional

41. The criteria differ slightly for each authority and planning applicants are advised to check the criteria for the relevant authority, as set out in Appendix 1. Chorley and Preston also include policies on Species Protection.

42. Therefore, there is a strong local policy basis to support this SPD and the approach that it takes towards biodiversity and nature conservation.

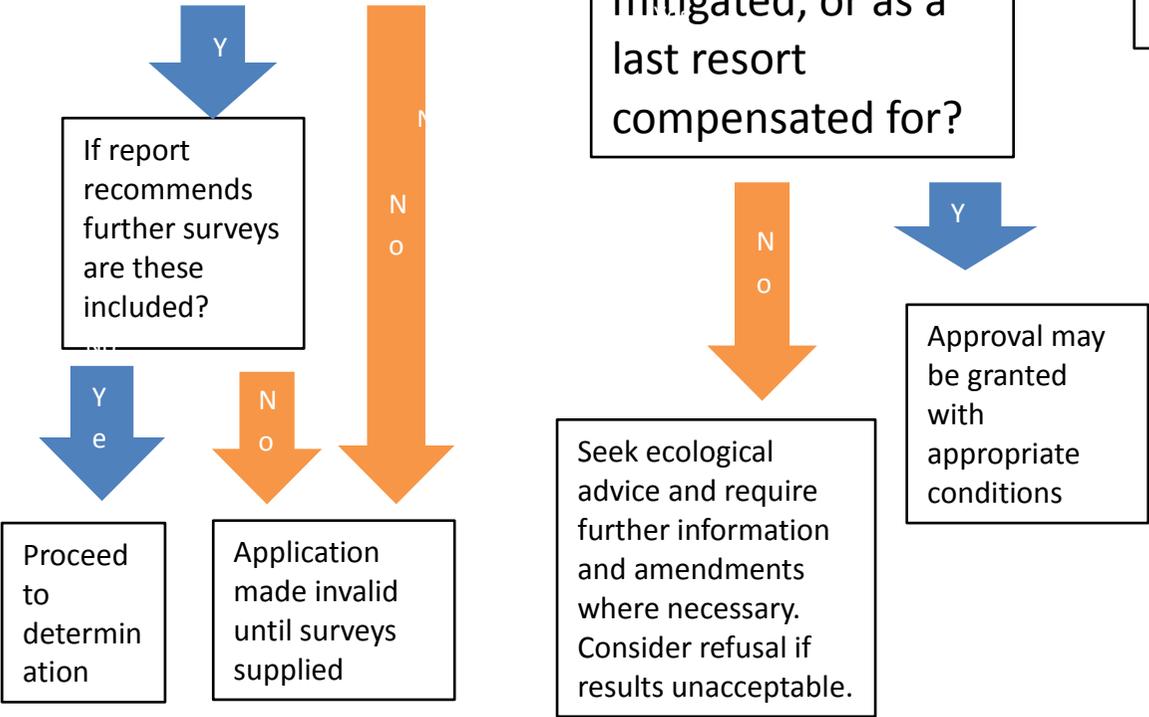
Dealing with Ecological Issues in the Planning Process

Pre-application:
Applicant to establish whether any biodiversity considerations and commission surveys and assessments where needed in line with advice in this SPD.

Validation by LPA:
Is adequate ecological assessment/survey information submitted if needed?

Determination by LPA: Does application demonstrate that harm to species/habitats can be avoided or mitigated, or as a last resort compensated for?

Implementation:
Applicant to apply to discharge ecological conditions as appropriate. Applicant to implement mitigation/management regime if required



When are surveys and assessments required?

43. Many planning applications have the potential to impact in some way on biodiversity, through the direct loss of habitats and species, or the reduction in the value of habitats and their ability to support the species that depend on them. It is essential that the impacts of a proposal on biodiversity are considered before a development scheme is designed and before a planning application is submitted.

44. Where required (as set out below), a survey and assessment of the impact on the relevant species or feature should be undertaken and submitted with the application. Where appropriate this report should include details of measures to be implemented to mitigate or compensate for adverse impacts. This ensures that: the Local Planning Authority has sufficient information to make an informed decision about whether wildlife can be protected during development; and makes certain that there will be no adverse impact on local biodiversity as a result of the development. Applications will not be valid if the appropriate information is not submitted. Each authority produces validation checklists which specify what is required to accompany a planning application.

When are surveys and assessments required for designated sites and priority habitats?

45. Where an application is likely to affect designated sites or priority habitats, as listed in Table 1 in Appendix 2, a survey and assessment for the relevant feature must be submitted with the application. This also includes applications for developments that are adjacent to such a site, but which might have an impact upon it. The designated sites are shown on the individual Local Plan Policies Maps for the three authorities.

46. A full survey and assessment may not be required in the following circumstances:

International and national sites: A survey and assessment will not be required where the applicant is able to provide copies of pre-application correspondence with Natural England, where the latter confirms in writing that they are satisfied that the proposed development will not affect any statutory sites designated for their national or international importance.

When are surveys and assessments required for Ecological Networks?

47. The Lancashire Ecological Network mapping will be made available to view on the Lancashire County Council website at <http://mario.lancashire.gov.uk/agsmario/> (not yet available) These maps should be assessed before an application is submitted in order to ascertain whether proposals fall within one of the networks (currently identified for Woodland and Scrub, Grassland, Wetland and Heath) If an application is likely to affect a Key Feature of the Ecological Network, a survey and assessment of the impact of the proposal on the function of the Network must be submitted with the application. Designated sites, priority habitats and biodiversity features will often also form components of the Ecological Network. Therefore, if development is likely to affect them, a survey and assessment will already be required. The survey and assessment should be expanded to also assess the function of these areas as part of the Ecological Network and the impact of the development upon the Network.

48. In any circumstances where a proposal comes forward within the Network, and it is not considered likely to affect a designated site, priority habitat or biodiversity feature as set out in Appendix 2, Table 1 (or trigger a Protected Species Assessment, as set out in Appendix 3, Table 2), applicants should consult with a qualified ecologist to ascertain whether the functioning of the Ecological Network is likely to be affected by the development. If Ecological Networks are likely to be affected, then a Survey and Assessment will be required. If they are not likely to be affected then a covering letter from an ecologist should support the application demonstrating that there has been no net loss of biodiversity and, ideally, demonstration that there has been a net gain to the functioning of the Network.

When are surveys and assessments required for Protected and Priority species?

49. If the application involves any of the development proposals shown in Appendix 3, Table 2, a protected species survey and assessment must be submitted with the application. However, there are some exceptions. A full species survey and assessment may not be required in the following circumstances:

- Following consultation by the applicant at the pre-application stage, the Local Planning Authority has stated in writing that no protected species surveys and assessments are required.
- If it is clear that no protected species are present, despite the guidance in Table 2 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 letter or brief report from a suitably qualified and experienced person, or a relevant local nature conservation organisation).
- If it is clear that the development proposal will not affect any protected species present, then only limited information needs to be submitted. This information should, however,
 - (i) demonstrate that there will be no significant effect on any protected species present 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.

50. In some situations, it may be appropriate for an applicant to provide a protected species survey and report for only one, or a few, of the species shown in Table 2 (e.g. those that are likely to be affected by a particular activity). Applicants should make clear which species are included in the report and which are not, because exceptions apply.

51. Gov.uk publishes Standing Advice which explains how LPAs should deal with applications that involve protected species. When determining an application for development that is covered by Standing Advice, the Councils will take this Advice into account. This Advice includes a decision tree that identifies features on application sites that are likely to be associated with protected species. It also identifies some of the protected species most often affected by development and contains more detailed information on survey and mitigation requirements for these species. Further information can be found at www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals

Who should undertake a survey and assessment?

52. The Survey should be undertaken and prepared by competent persons with suitable ecological qualifications and experience. Where surveys involve disturbance, capture or handling of a protected species, then only a licensed person can undertake such surveys (e.g. issued by Natural England).

At what time of the year should surveys and assessments be carried out?

53. For certain species and habitats, surveys and assessments can be carried out at any time of the year, but for other species, particular times of year are required to give the most reliable results. Surveys must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available. Table 3 in Appendix 4 sets out the most appropriate times of year to undertake surveys for particular species.

54. Surveys conducted outside of the optimal times, as set out in Table 3, may be unreliable. For certain species (e.g. Great Crested Newt) surveys over the winter period are unlikely to yield any useful information. Similarly negative results gained outside the optimal period should not be interpreted as absence of a species and further survey work maybe required during the optimal survey season. This is especially important where existing surveys and records show the species has been found previously on site or in the surrounding area. An application may not be valid until survey information is gathered from an optimal time of year.

55. Species surveys are also very weather dependent so it may be necessary to delay a survey, or to carry out more than one survey if the weather is not suitable (for example heavy rain is not good for surveying for otters, as it washes away their spraint - droppings). Likewise bat surveys carried out in wet or cold weather may not yield accurate results.

56. It is also important to note that the absence of evidence of a species does not necessarily mean that the species is not there, nor that its habitat is not protected. For example, a bat roost is protected whether any bats are present or not.

Where can data to inform the survey be obtained?

57. The survey and analysis may be informed by the results of a search for ecological or geological data from other sources, such as the local Bat and Badger Groups, and the Lancashire Environment Record Network (LERN), which is the local environmental record centre for Lancashire. Further information can be found at www.lancashire.gov.uk/lern.aspx.

What should be included in a survey and assessment?

58. This section sets out what should be included in a survey and assessment. Providing comprehensive information in a survey is essential to enable the proper assessment of a planning application. Insufficient or unclear conclusions on how the development could

impact on biodiversity may make an application invalid, or result in delays to its consideration.

59. Appendix 5, Table 4 sets out suggested content for an ecological assessment and survey.

What should be included in a survey and assessment of designated sites, priority habitats and ecological networks?

60. Where a survey and assessment is required, the survey must be to an appropriate level of scope and detail and must:

- Record which sites, habitats, species and features are present on and, around the site, including features that form part of identified ecological networks, as appropriate.
- Pay particular attention to habitats and species identified in appropriate legislation, and to species identified as being of local significance.
- Identify the extent/area/length present;
- Map their distribution on site and/or in the surrounding area shown on an appropriate scale plan.

61. The survey should be informed by a search for appropriate ecological data from LERN and other sources.

62. Following on from the survey, the assessment should identify and describe potential development impacts likely to harm designated sites, priority habitats, and the Ecological Network, including both direct and indirect effects both during construction and afterwards. Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated.

63. In addition, proposals are to be encouraged that will enhance, restore or add to designated sites priority habitats, other biodiversity features or geological features and to the functioning of ecological networks. The assessment should give an indication of likely change in the area (hectares) of priority habitat on the site after development e.g. whether there will be a net loss or gain. An ecological survey and assessment may form part of a wider Environmental Impact Assessment.

What should be included in a survey and assessment for protected and priority species?

64. Where a protected species survey and assessment is required, the survey must be to an appropriate level of scope and detail and must:

- Record which species are present and identify their numbers (may be approximate);
- Map their distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding).

65. The survey should be informed by a search for appropriate ecological data from LERN and other sources.

66. Following on from the survey, the assessment must identify and describe potential development impacts likely to harm the protected species and/or their habitats identified by the survey, including direct and indirect effects, both during construction and afterwards. Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated.

67. In addition, proposals are to be encouraged that will enhance, restore or add to features or habitats used by protected species. The assessment should also give an indication of how species numbers are likely to change, if at all, after development (e.g. whether there will be a net loss or gain).

68. The information provided in response to the above requirements are consistent with those required for an application to Natural England for a European Protected Species Licence. A protected species survey and assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment.

Designing development to conserve and enhance biodiversity

69. In accordance with Core Strategy Policy 22, the Nature and Conservation policies in the authorities' emerging Local Plans, and the Framework, biodiversity should be conserved and enhanced. Whilst new development can potentially cause harm to biodiversity, it can also create opportunities to enhance habitats and improve the functioning and resilience of ecological networks. The enhancement of sites is considered later in this section.

The Mitigation Hierarchy

70. The National Planning Policy Framework [paragraph 118] sets out a mitigation hierarchy that should be followed when designing schemes and when determining planning applications. It sets out that:

- Significant harm resulting from a development should be avoided through locating on an alternative site with less harmful impacts
- If harm cannot be avoided then it should be adequately mitigated.
- As a last resort, if significant harm cannot be avoided, or adequately mitigated, it should be compensated for.
- In circumstances where significant harm cannot be avoided, mitigated, or compensated for, then planning permission should be refused.

71. Criterion a) in the Biodiversity and Nature Conservation policies in all three of the emerging Local Plans, as set out in Appendix 1, re-iterates that development should follow this mitigation hierarchy.

72. The Chorley and Preston Local Plan Biodiversity and Nature Conservation policies, both also include definitions of what constitutes damage, or harm, to natural environmental assets and these definitions will be used when assessing applications that occur in Central Lancashire.

73. Utilising the survey evidence, the ecological assessment should identify and describe potential development impacts likely to harm designated sites, priority habitats, other listed biodiversity features and ecological networks, where appropriate, including both direct and indirect effects, both during construction and afterwards.

74. The survey and assessment should then inform the design of the scheme.

Harm Avoidance

75. The objective is for proposals to avoid harm to habitats and species. Preferably this should involve locating on an alternative site with less harmful impacts. Harm can also be avoided by measures such as reducing the scale of development, or locating development to an alternative part of the site.

76. In all cases, schemes should be designed to ensure that important features and ecological connectivity between them and features outside the site are retained.

Mitigating harm

77. Where it is not possible to avoid harm to existing sites, habitats, species and ecological networks, it may still be possible to minimise potentially damaging impacts through mitigation measures. In such cases the mitigation steps required should be proposed by the developer and will then normally be the subject of planning conditions or obligations on design, methods or timing of development.

78. Measures that could achieve this include, amongst others:

- Timing the development of sites to avoid the breeding seasons of species present
- Creating new areas of habitat, or managing existing ones
- Creating buffer zones between sensitive areas and development areas to reduce disturbance to habitats
- Ensuring that new infrastructure such as bridges are built to enable movement of wildlife to continue
- Steps to ensure that the hydrological status of sensitive sites is maintained through the careful design of drainage infrastructure
- Translocation of species from destroyed habitat (to be used as a last resort)

79. However, mitigation still entails harm of some form. Where a site or its surroundings have clear biodiversity value and the proposed mitigation steps are insufficient to reasonably protect this value, then planning permission may be refused on these grounds once all other planning issues have been taken into account.

Compensating for loss

80. Where damage is unavoidable, and will still occur in spite of mitigation, then consideration should be given to compensating for any loss to biodiversity by creating new habitat in replacement either on site, or off-site.

81. This could include the enhancement and restoration of habitats in identified ecological networks. Where this is appropriate then the steps required will be proposed by the developer and will then normally be the subject of planning conditions or planning obligations, for example to ensure re-creation of habitat in a certain place by a certain time and normally as a duty of the developer.

82. Established habitat usually acquires biodiversity value over a very long period of time, as its ecology diversifies and changes. Artificially recreated habitat will therefore usually be greatly inferior to established habitat. For example, newly planted woodland is of lesser value than existing ancient woodland. There are only very limited circumstances where this loss is justified. It should not be considered unless a planning decision has been made to permit a development in the face of harm to biodiversity, once other planning issues have been taken into account. Compensation for lost habitat will not make an unacceptable development acceptable.

Enhancement of Sites

83. The Framework, the Core Strategy and the emerging Local Plan Biodiversity and Nature Conservation policies seek the enhancement of sites and a net gain in biodiversity, where possible.

84. Proposals are to be encouraged that will enhance, restore or add to designated sites, priority habitats, other biodiversity or geological features, or which will enhance or restore ecological networks.

85. Developers should look to design in opportunities to improve habitats for biodiversity conservation, and to increase the overall quality of the development by enhancing existing habitats or creating new areas appropriate to the wider landscape context.

86. Useful design measures that might achieve this would include, amongst others:

- Creating areas of new habitat such as woodland, scrubland, coarse grassland or ponds in landscaped areas or public open space
- Siting open space and landscaping so that planting within them enhances habitat connectivity between areas of habitat within and adjacent to the site
- Using native species of local or regional genetic origin in planting schemes

- Making provision on new buildings for species such as bats, swallows, barn owls or other species that might live locally
- Restoring landfill and mineral sites to heathland, grassland or reed bed
- Using Sustainable Drainage Schemes so that drainage infrastructure also acts as biodiversity habitat and contributes to the ecological Network

Determination of Applications

87. In reaching a decision on a planning application that is likely to have an impact on biodiversity, the necessary surveys and assessments will need to be supplied, to ensure that the impacts of proposals can be properly assessed, and the requirements of all policies addressed. The Councils will utilise standing advice from authorities such as Lancashire County Council and Natural England, where relevant, and seek advice from relevant authorities, including the above and the Environment Agency, where necessary. Decisions will be made based upon the evidence supplied and advice received. Ecological conditions will be attached to planning decisions where appropriate.

Implementation

88. Applicants will need to apply to discharge ecological conditions as appropriate and to implement mitigation/management regimes if required.

G: SUSTAINABILITY APPRAISAL AND HABITATS REGULATIONS ASSESSMENT

Sustainability Appraisal and Strategic Environmental Assessment

89. A Sustainability Appraisal/Strategic Environmental Assessment and Habitats Regulations Screening Document is published alongside this document.

H: MONITORING AND REVIEW

90. The Councils will monitor the effectiveness of this guidance, including Core Strategy and Local Plan key indicators, and review as appropriate in the light of its performance and future changes in planning law and policy guidance.

I: STATUS OF THIS DOCUMENT

91. Once adopted, this document should be afforded significant weight as a material consideration in determining planning applications.

J: FURTHER INFORMATION

92. The SPD will primarily be implemented through the development management process and the determination of planning applications. Charges may apply for pre-application consultations; please see the individual Council websites for details. Planning Officers will be pleased to provide advice and guidance on planning matters regarding biodiversity and nature conservation. They can be contacted on:

Chorley Council

www.chorley.gov.uk

01257 515151

Preston City Council

www.preston.gov.uk

01772 906912

South Ribble Borough Council

www.southribble.gov.uk

01772 421491

01772 625567

APPENDICES

Appendix 1: Planning Policies

Central Lancashire Core Strategy

Policy 22: Biodiversity and Geodiversity

Conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area, through the following measures:

- (a) Promoting the conservation and enhancement of biological diversity, having particular regard to the favourable condition, restoration and re-establishment of priority habitats and species populations;
- (b) Seeking opportunities to conserve, enhance and expand ecological networks;
- (c) Safeguarding geological assets that are of strategic and local importance.

Emerging Chorley Local Plan 2012 – 2026

Policy BNE9: Biodiversity and Nature Conservation

In Chorley, Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced:

Priority will be given to:

- i. Protecting and safeguarding all designated sites of international, national, regional, county and local level importance including all Ramsar sites, Special Protection Areas, Special Areas of Conservation, national nature reserves, sites of special scientific interest and biological heritage sites, geological heritage sites, local nature reserves and wildlife corridors together with any ecological network approved by the Council;
- ii. Protecting, safeguarding and enhancing habitats for European, nationally and locally important species;
- iii. The ecology of the site and the surrounding area (safeguarding existing habitats / features such as but not exclusive to trees, hedgerows, ponds and streams), unless justified otherwise.
- iv. When considering applications for planning permission, protecting, conserving, restoring and enhancing Chorley's ecological network and providing links to the network from and/or through the proposed development site.

In addition development must adhere to the provisions set out below:

- a) The production of a net gain in biodiversity where possible by designing in wildlife and by ensuring that any adverse impacts are avoided or if unavoidable are reduced or appropriately mitigated and/or compensated;
- b) The provision of opportunities for habitats and species to adapt to climate change;
- c) The support and encouragement of enhancements which contribute to habitat restoration;

- d) Where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs;
- e) In exceptional cases where the need for development in that location is considered to significantly outweigh the impact on the natural environment, appropriate and proportionate mitigation measures or as a last resort compensatory habitat creation and/or restoration will be required through planning conditions and/or planning obligations.

The following definition of what constitutes damage to natural environmental assets will be used in assessing applications potentially impacting upon assets:

1. Loss of the undeveloped open character of a part, parts or all of the ecological network;
2. Reducing the width or causing direct or indirect severance of the ecological network or any part of it;
3. Restricting the potential for lateral movement of wildlife;
4. Causing the degradation of the ecological functions of the ecological network or any part of it;
5. Directly or indirectly damaging or severing links between green spaces, wildlife corridors and the open countryside; and
6. Impeding links to ecological networks recognised by neighbouring planning authorities.
7. Significant adverse effect on the interest features of a designated nature conservation site.

Policy BNE11: Species Protection

Planning permission will not be granted for development which would have an adverse effect on a priority species unless the benefits of the development outweigh the need to maintain the population of the species in situ. Should development be permitted that might have an effect on a priority species planning conditions or agreements will be used to:

- a) Facilitate the survival of the individual species affected;
- b) Reduce the disturbance to a minimum; and
- c) Provide adequate alternative habitats to sustain the viability of the local population of that species

Emerging South Ribble Site Allocations and Development Management Policies Development Plan Document

Policy G16 – Biodiversity and Nature Conservation

The borough's Biodiversity and Ecological Network resources will be protected, conserved and enhanced. The level of protection will be commensurate with the site's status and proposals will be assessed having regard to the site's importance and the contribution it makes to wider ecological networks:

Regard will be had to:

- Protecting and safeguarding all designated sites of international, national, regional, county and local level importance including all Ramsar, Special Protection Areas, Special Areas of Conservation, national nature reserves, sites of special scientific interest and biological heritage sites, geological heritage sites, local nature reserves, wildlife corridors together with any ecological network approved by the Council;
- Protecting, safeguarding and enhancing habitats for European, nationally and locally important species;
- When considering applications for planning permission protecting, conserving and enhancing the borough's ecological network and providing links to the network from and/or through a proposed development site.

In addition development should have regard to the provisions set out below:

- a) The need to minimise impacts on biodiversity and providing net gains in biodiversity where possible by designing in wildlife and by ensuring that significant harm is avoided or if unavoidable is reduced or appropriately mitigated and/or, as a last resort, compensated;
- b) The need to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations;
- c) Where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site planning applications must be accompanied by a survey undertaken by an appropriate qualified professional;
- d) Where the benefits for development in social or economic terms is considered to outweigh the impact on the natural environment, appropriate and proportionate mitigation measures and/or compensatory habitat creation of an equal or greater area will be required through planning conditions and/or planning obligations.

Emerging Preston Local Plan 2012 - 2026

Policy EN10 – Biodiversity and Nature Conservation

In Preston, Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced:

Priority will be given to:

- i. Protecting and safeguarding all designated sites of international, national, regional, county and local level importance including all Ramsar sites, Special Protection Areas, Special Areas of Conservation, national nature reserves, sites of special scientific interest and biological heritage sites, *[PC79]* S41 Habitats of Principle Importance, geological heritage sites, local nature reserves and wildlife corridors together with any ecological network approved by the Council;
- ii. Protecting, safeguarding and enhancing habitats for European, nationally and locally important species;
- iii. The ecology of the site and the surrounding area (safeguarding existing habitats/features such as but not exclusive to trees, hedgerows, ponds and streams), unless justified otherwise.
- iv. When considering applications for planning permission, protecting, conserving, restoring and enhancing Preston's ecological network and providing links to the network from and/or through the proposed development site.

In addition development must adhere to the provisions set out below:

- a. The production of a net gain in biodiversity where possible by designing in wildlife and by ensuring that any adverse impacts are avoided or if unavoidable are reduced or appropriately mitigated and/or compensated;
- b. The provision of opportunities for habitats and species to adapt to climate change;
- c. The support and encouragement of enhancements which contribute to habitat restoration;
- d. Where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs;
- e. In exceptional cases, where the need for development in social or economic terms is considered to significantly outweigh the impact on the natural environment, appropriate and proportionate mitigation measures and/or compensatory habitat creation and/or restoration will be required through planning conditions and/or planning obligations.

The following definition of what constitutes damage to natural environment assets will be used in assessing applications potentially impacting upon assets:

1. Loss of the undeveloped open character of a part, parts or all of the ecological network;
2. Reducing the width or causing direct or indirect severance of the ecological network or any part of it;
3. Restricting the potential for lateral movement of wildlife;
4. Causing the degradation of the ecological functions of the ecological network or any part of it;
5. Directly or indirectly damaging or severing links between green spaces, wildlife corridors and the open countryside; and
6. Impeding links to ecological networks recognised by neighbouring planning authorities.

Policy EN11: Species Protection

Planning permission will not be granted for development which would have an adverse effect on a protected species unless the benefits of the development outweigh the need to maintain the population of the species in situ. Should development be permitted that might have an effect on a protected species planning conditions or agreements will be used to:

- a) Facilitate the survival of the individual species affected;
- b) Reduce the disturbance to a minimum; and
- c) Provide adequate alternative habitats to sustain the viability of the local population of that species

Appendix 2: Local Requirements for Designated Sites, Priority Habitats, Ecological Networks and Other Biodiversity Features: Criteria (Trigger List) for When a Survey and Assessment are Required

If an application is likely to affect any of the Designated Sites, Key Features of the ecological Network and Priority Habitats listed in Table 1, a survey and assessment for the relevant feature must be submitted with the application, unless one of the exceptions indicated in Section F is relevant.

The Priority Habitats are Habitats of Principal Importance for Biodiversity under S.41 of the NERC Act 2006), which potentially occur in Central Lancashire. Descriptions of the individual habitats can be found on the Joint Nature Conservation Committee section of the Defra website at <http://jncc.defra.gov.uk/page-5706> .

TABLE 1

Designated Sites (as shown on the Policies Maps of the Central Lancashire Authorities)	
Internationally designated sites	Special Protection Areas (SPA) Special Areas of Conservation Ramsar Sites
Nationally designated sites	Sites of Special Scientific Interest National Nature Reserves
Regionally/locally designated sites	Biological Heritage Sites Geological Heritage Sites Ancient Woodland Local Nature Reserves Wildlife Corridors
Priority Habitats (Habitats of Principal Importance for Biodiversity under S41 of the NERC Act 2006)	
Broad habitat	Habitat name
Arable and horticulture	Arable field margins
Arable and horticulture	Traditional orchards
Boundary	Hedgerows
Coastal	Coastal saltmarsh
Coastal	Intertidal mudflats
Freshwater	Eutrophic standing waters
Freshwater	Ponds
Freshwater	Rivers
Grassland	Lowland calcareous grassland
Grassland	Lowland dry acid grassland
Grassland	Lowland meadows
Grassland	Purple moor-grass and rush pastures
Heathland	Lowland heathland

Heathland	Upland heathland
Inland rock	Inland rock outcrop and scree habitats
Inland rock	Open mosaic habitats on previously developed land
Wetland	Blanket bog
Wetland	Coastal and floodplain grazing marsh
Wetland	Lowland fens
Wetland	Lowland raised bog
Wetland	Reedbeds
Wetland	Upland flushes, fens and swamps
Woodland	Lowland mixed deciduous woodland
Woodland	Upland oakwood
Woodland	Wet woodland
Woodland	Wood-pasture and parkland
Ecological Network Elements (as shown on the Lancashire Ecological Network Mapping at http://mario.lancashire.gov.uk/agsmario/)	
Core Areas	
Corridors (classified as having a length of 3km or less)	
Stepping Stones	

Appendix 3: Local Requirements for Protected Species: Criteria and indicative Thresholds (Trigger List) for When a Survey and Assessment are Required

Table 2

Proposals for Development that will trigger a Protected Species Survey	Species likely to be affected and for which a survey will be required									
	Bats	Barn Owls	Breeding Birds	Great Crested Newts	Otters	Water Vole	Badger	Reptiles	Amphibians	Plants
<p>Proposed development which includes conversion, modification, demolition or removal of buildings (including hotels, schools, hospitals, churches, commercial premises and derelict buildings) which are:</p> <ul style="list-style-type: none"> • agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams; • buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water; • pre-1960 detached buildings and structures within 200m of woodland and/or water; • pre-1914 buildings within 400m of woodland and/or water; • located within, or immediately adjacent to woodland and/or immediately adjacent to 	●	●	●							

Appendix 4: Ecological Survey Seasons

Table 3 Ecological Survey Seasons

Optimal Time



Extending Into



	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Badgers		Optimal Time			Extending Into					Optimal Time	Extending Into	
Bats (Hibernation Roosts)	Optimal Time										Optimal Time	
Bats (Summer Roosts)				Extending Into	Optimal Time				Extending Into			
Bats (Foraging/ Commuting)				Extending Into	Optimal Time				Extending Into			
Birds (Breeding)			Optimal Time			Extending Into						

Birds (Over-Wintering)											
Great Crested Newts			TERRESTRIAL								
			AQUATIC								
Otters											
Reptiles											
Water Voles											
White Clawed Crayfish											
Habitats/ Vegetation			WOODS								

Appendix 5: Suggested Content of Ecological Surveys

Table 4: Suggested content of ecological surveys and assessments:

Suggested heading	Content to be included
Summary sheet	Include the date of survey, OS grid reference, main findings, conclusions and recommendations for mitigation where necessary.
Introduction:	Aims and objectives of the survey and report Site location- include maps, aerial photos and OS Grid reference Site description- include area measurement of the application site, current use/previous use if abandoned, Description of the proposed works- ensure that any survey work is conducted correctly.
Methodology:	Desk Study: List all sources used, if no desk study has been undertaken explain why. The main sources of species records and local site designations should be LERN to ensure the most accurate resolution. LERN can advise if there are species groups or data sets available from other organizations. Ecological Network mapping can be found on the Lancashire County Council mapping at http://mario.lancashire.gov.uk/agsmario/ Field Survey Date of survey Methodology used e.g. BCT Bat survey guidelines. Evidence that the survey has been tailored to the specific site conditions Weather conditions Names and details of surveyors List of equipment used by surveyors.
Limitations of survey:	Explain any limitations to the survey work in full (e.g. difficulties accessing areas)
Results:	State the findings of the survey including: What identified statutory or non-statutory wildlife sites are present on or within the vicinity of the development site What elements of the Lancashire Ecological Network are present on or within the vicinity of the development site What habitats are present at the survey and are they locally/national important What adjacent habitats exist: immediately adjacent to the site or in the wider landscape, and whether good connectivity is evident, including for ecological networks Will the development have an impact on ecological networks as detailed in this SPD? How will the development impact? (minimally/ to a large extent/ will the ecological network function around the development etc.) Potential for European Protected Species (EPS) to use the site. Evidence of EPS using the site What evidence was found Where the evidence was found

	<p>Whether identification of the species is possible</p> <p>Understanding of species' use of the site, not just their presence/absence</p> <p>Evidence of other protected species using the site</p> <p>Nerc Act S41 lists species and habitats of principal importance</p> <p>Locally important species using the site e.g. any Lancashire BAP or BAP Long List species</p> <p>What? Where? How many?</p> <p>How will the development impact? (minimally/ to a large extent/ will the ecological network function around the develop etc.)</p>
Conclusions:	<p>Assess significance of any habitats/species within or adjacent to the site that could be affected</p> <p>Give professional judgement as to how development will impact on the ecology of the site, including any function in terms of ecological network, based on the evidence found during survey</p> <p>Ensure all plans, appendices and photos are fully referenced for clarity</p> <p>State if a further survey is required, what this is to consist of and when it should be carried out.</p> <p>Can all expected impacts be mitigated for?</p> <p>Recommend mitigation clearly, to ensure no adverse impacts on habitats/species</p> <p>State if any part of the proposed development could have an adverse impact which it would not be possible to mitigate against.</p>
Recommendations:	<p>Timing of works to reduce adverse impacts</p> <p>Specific mitigation designed to remove or reduce impacts on named habitats or species.</p>
Mitigation:	<p>Mitigation must be designed specifically to avoid or reduce the impacts of the development on the ecology of the site and its surroundings (don't give 'broad brush' or 'worst case scenario' solutions).</p> <p>Give examples where you have found this type of mitigation successful, if it is particularly innovative.</p> <p>Mitigation strategy should build on cumulative national and international knowledge</p> <p>Note any mitigation proposal may also need approval relating to landscape design.</p> <p>For large schemes, detail how monitoring will be built into the timescale to keep a check on success and make provision for small adjustment to ensure effectiveness</p> <p>If mitigation is designed for EPS it must be likely to satisfy the Natural England licencing criteria</p> <p>If a licence is likely to be refused the LPA cannot issue a planning permission</p> <p>What mitigation can be put in place to ensure that the development has minimal impact on ecological networks, if relevant?</p>
Enhancement:	<p>This is over and above mitigation</p> <p>Design for named habitats/species State the findings of the survey including:</p> <p>What habitats are present at the survey and are they locally/national important</p> <p>What adjacent habitats exist: immediately adjacent to the site or in the wider landscape, and whether good connectivity is evident</p> <p>Potential for European Protected Species (EPS) to use the site.</p> <p>Evidence of EPS using the site:</p> <p>What evidence was found</p> <p>Where the evidence was found</p> <p>Whether identification of the species is possible</p> <p>Understanding of species' use of the site, not just their presence/absence</p>

	Evidence of other protected species using the site Nerc Act S41 lists species and habitats of principal importance What? Where? How many?
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