spd 11

supplementary planning document

Brighton & Hove City Council Local Development Framework

Adopted 25th March 2010

Nature Conservation and Development

Brighton & Hove City Council

What is an SPD?

A Supplementary Planning Document (SPD) is one of the material considerations that can be taken into account when determining a planning application. It forms a part of the Local Development Framework (LDF) and is intended to elaborate upon policies in the Development Plan Documents (DPD). This SPD is one of a series produced by Brighton & Hove City Council and it is to be read in conjunction with the DPD. Each SPD has been subject to a period of formal consultation and approval under the LDF. In preparing this SPD the council has had particular regard to Government policy as set out in Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 9: Biodiversity and Geological Conservation.

NOTE: Illustrations will be added to the approved version

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1 Introduction

1.1 Brighton & Hove City Council has a statutory duty under the Natural Environment and Rural Communities Act 2006 to have regard, so far as is consistent with the proper exercise of its functions, to the purpose of conserving biodiversity[1]. Nature conservation is regarded as a key test of sustainable development. The local planning process addresses this duty by the inclusion of a number of nature conservation policies in local planning documents. These include policies NC1 to NC4, QD17 and QD18 of the Brighton & Hove Local Plan 2005, which will be succeeded by policies in the Local Development Framework. This SPD explains how such planning policies should be interpreted and applied. It is intended for use by planning applicants, council officers and local people concerned with the conservation of biodiversity in development.

1.2 Other SPDs of particular relevance to biodiversity conservation in Brighton and Hove include :

- SPD 06 'Trees and Development Sites'.

Application

1.3 This SPD addresses two types of development scenario:

- Development proposals for sites with no current nature conservation value.
- Proposals affecting existing areas of nature conservation value.

1.4 Many development proposals have the potential to benefit local biodiversity. For example even small home extensions might incorporate a House Sparrow nest box under the eves, or a 'green wall'. A small proportion of proposals affect existing biodiversity and these can avoid unnecessary loss by taking account of its value throughout the planning process.

1.5 This document is suited to developers who take a proactive approach to design and who aim to build quality developments. The guidance set out in this SPD will enable developers to meet the Council's aim for high ecology ratings under the Code for Sustainable Homes and also to address corporate social responsibility issues.

Aims

1.6 The aims of this SPD are:

[1] Natural Environment and Rural Communities Act 2006 Part 3 paragraph 40 (1)

- To ensure that the key principles of national planning guidance on biodiversity and nature conservation[2] are fully met locally and specifically that local planning decisions maintain, enhance, restore or add to biodiversity in Brighton and Hove.

- To ensure the Local Biodiversity Action Plan (LBAP)[3] and the Brighton and Hove Green Network[4] is fully integrated into the local planning process.

- To ensure best practice is followed consistently and openly.

- To minimise the cost to development and streamline the application process by ensuring nature conservation implications are as predicable as possible and that only relevant development proposals are affected.

- To contribute to the City Council's commitment to sustainable development.

2 Definitions

Nature Conservation Features

2.1 Biodiversity can be simply defined as 'the variety of life on earth'[5]. Local, biodiversity-related planning policies refer to 'nature conservation features' which can be defined as having the dual functions of contributing to local biodiversity and providing opportunities for people to experience and benefit from it. The benefits to local people provided by nature conservation features are wide ranging. They include valuable 'ecosystem services', such as mitigating the damaging affects of air pollution and climate change, as well as aesthetic and amenity benefits. For example, installing green roofs helps to reduce summer temperatures in urban areas, slows storm water runoff and can lower energy consumption.

Figure 1 nature conservation features contribute to local biodiversity and provide opportunities for people to experience and benefit from it

[2] See Planning Policy Statement 9; Biodiversity and Geological Conservation, ODPM August 2005 p3 para. 1
[3] For further information on Biodiversity Action Planning see www.ukbap.org.uk and www.citywildlife.org.uk
[4] 'A Green Network for Brighton and Hove. Final Report. June 2009 provides further information on the Green Network
[5] Working with the grain of nature. A biodiversity strategy for England. DEFRA 2002 para. 1.1

2.2 Nature conservation features include:

- species and their habitats (including feeding, resting and breeding areas);
- geology and geomorphology;
- semi-natural elements of the landscape with particular cultural or historical significance; and
- features which provide links or stepping stones from one habitat to another.

Annex 1 lists species and habitats of particular value in Brighton and Hove.

Nature Conservation Sites

2.3 The most important sites for nature conservation within the boundary of Brighton and Hove are designated as:

- Special Areas of Conservation (SACs) - European importance;
- Sites of Special Scientific Interest (SSSIs) - national importance;
- Local Nature Reserves (LNRs) - local importance
- Sites of Nature Conservation Importance (SNCIs) - local importance.
- Regionally Important Geological Sites (RIGs)

Figure 2 Sites of Nature Conservation Importance protect fragments of scarce natural habitat

2.4 The boundaries of local SSSIs, LNRs and SNCIs are shown on the Brighton & Hove Local Plan Proposals Map and can also be viewed on www.CityWildlife.org.uk.

Green Network

2.5 The Brighton and Hove Green network is defined in the emerging Local Development Framework. It comprises interlinked green spaces forming a continuous, natural network through the urban area and into surrounding countryside. The Green Network incorporates most of the city's nature conservation sites and other natural

habitat of value. It also identifies areas of land suitable for habitat creation to meet local, natural green space and LBAP targets.

Figure 3 the green network forms a continuous, natural network through the urban area and into surrounding countryside

2.6 Many nature conservation features occur outside both designated sites and the Green Network. To be sustainable, it is important that development identifies, conserves and enhances such features.

3 Legislation and policy base: Key messages

3.1 Nature conservation planning policy in Brighton and Hove is supported by a comprehensive legal and policy base at national and regional levels. A review of this is provided in **Annex 2**. Key messages for development include:

- The local planning authority has a statutory duty to have regard to conserving biodiversity as part of the planning process.
- The local planning authority is expected to ensure its planning decisions are based on up-to-date information on local nature conservation features.
- Nature conservation features of value frequently occur outside designated sites and these should be conserved, enhanced and additional features created as part of development.
- Maintaining current levels of biodiversity is not sufficient. A Local Biodiversity Action Plan should set out how adequate provision for biodiversity will be made, including through the development control process.
- Brighton and Hove supports several sites, habitats and species of particular importance (see **Annex 1**). The council has a particular responsibility to promote their maintenance and long-term conservation as part of the planning process.

4 A step by step guide to building nature into development

4.1 Adopting the approach summarised in Table 1 will ensure best practice for integrating nature into development is achieved. This is explained in more detail in subsequent sections of this SPD.

Table 1: Successfully integrating nature conservation features into development

Stage A: Preparing to submit a planning application
A1 First impressions Are existing nature conservation features likely to be affected by the development (refer to **Annex 3)**? Yes – go to A.2 No – go to A.5 Although the advice of an ecologist should be sought where feasible, this stage can be carried out by applicants, planning officers and the public. Ensure that the findings of this stage are reported as part of outline and full planning applications.
A2 Nature Conservation survey Must be carried out by a qualified ecologist. Take account of any nature conservation features within the development site and wider area (refer to **Annex 1**). Compile any relevant information from existing sources - Sussex Biodiversity Record Centre, Booth Museum, www.CityWildlife.org.uk.
A3 Mitigation Working with the consultant ecologist, ensure the layout and design of the development avoids wherever possible and minimises harm to the features identified in A1 and A2. Ensure less obvious impacts are considered, such as effects outside the development boundary, activities during the construction phase, pipes and underground cables, shading and light pollution (refer to **Annex 5**). Failure to avoid damaging impacts may lead to application refusal.
A4 Compensation If damage to nature conservation features cannot be avoided entirely, it may be possible to compensate for these residual effects, or as a last resort, calculate a commuted sum (refer to **Annex 6**). Applications which do not compensate for damage to nature conservation features will be refused.
A5 Conservation and Enhancement All development should deliver adequate provision for biodiversity (refer to **Annexes 6 and 7).**
Stage B: Submitting a planning application Ensure the application includes a nature conservation report. See section 6
Stage C: Planning Permission Granted - Construction phase Ensure good practice is followed during construction. See section 7
Stage D: Aftercare Ensure adequate provision is made for ongoing conservation management. See section 8

5 Stage A: Preparing to submit a planning application

Introduction

5.1 It is a common misconception that surveys for protected species and other nature conservation features can be postponed until after determination and then addressed by condition. Part IV of ODPM Circular 06/2005 makes plain that this practice is not acceptable in almost all cases. Failure to take account of the presence of nature conservation features as part of initial scheme design is a regular cause of unnecessary delay in the development control process and can lead to application refusal on nature conservation grounds.

5.2 It is essential that adequate ecological information is gained from the earliest stages of all development proposals, including those addressed by outline planning applications. This can be achieved by following a two-part process:

- *First impressions* – a brief scope of the application site and its surroundings to locate any features which may be of nature conservation value (Table 1, Stage A1)
- *Nature Conservation survey* – if the scope locates features of potential value, a more thorough assessment of the area is carried out (Table 1, Stage A2).

Stage A1: First Impressions

5.3 The majority of developments in Brighton and Hove have no significant effect on existing nature conservation features. A small proportion are at risk of damaging the City's natural assets and in most cases such damage can be avoided if the threat is identified at the earliest stage of a development proposal. This can be achieved by carrying out a 'first impressions survey' of the nature conservation value of the site. This survey is a quick and simple process which can be carried out without ecological expertise (although advice from an ecologist at this stage is preferable).

Figure 4 protected species, such as this Dormouse, can occur in very unlikely places

5.4 **Annex 3** contains a checklist to carry out a first impressions survey. It can be used by developers, planners or (where access is available) the public to assess the nature conservation value of a proposed development site and its surroundings. Annex 3 has been compiled to detect the majority of nature conservation features of value in Brighton and Hove, although it is important to note for example, that protected species can occur in very unlikely places. Local knowledge and ecological advice can be invaluable and should be sought where feasible.

5.5 The results of the first impressions survey should be reported as part of the planning application, quoting any relevant indicator number from the table in Annex 3. If the survey reveals that nature conservation features may be affected, a full nature conservation survey and report is required to be submitted as a part of the planning application. The results of the first impressions survey and (if required) the full nature conservation survey are required for an application to be validated. Guidance on the report may be sought from the Council Ecologist (see 'further advice', **Annex 4**) prior to the application being submitted.

5.6 Attempts to exclude or remove nature conservation features could constitute a criminal offence and should never be undertaken.

Stage A2: Nature Conservation Survey

Choosing Consultants

5.7 Nature conservation surveys should be carried out by suitably qualified and experienced ecologists. These should normally be eligible for membership of an appropriate professional body, such as the Institute of Ecology and Environmental Management (IEEM, see **Annex 4**, 'Useful Contacts'). Where a formal Environmental Impact Assessment is required, membership by a consultancy or individual of the Institute of Environmental Management and Assessment (IEMA) is a useful indication of competence. The IEEM has also published guidance on carrying out Ecological Impact Assessments (see http://www.ieem.net/ecia/).

5.8 It is important to ensure that the appointed consultant is qualified and experienced in those fields that require survey. Additionally some protected species can only be handled or trapped by personnel holding Government licences. Detailed guidance on procedures for dealing with protected species is provided in Part IV of ODPM Circular 06/2005 (see http://www.communities.gov.uk/publications/planningandbuilding/circularbiodiversity).

5.9 Ecologists who have experience of dealing with urban environments and in particular the Brighton and Hove area, are likely to be able to make contact with the local relevant organisations efficiently, undertake survey work rapidly, and accurately assess the implications of a scheme in relation to the local context. Council policy encourages the employment of local labour where possible. A list of ecological consultants who have carried out work in Brighton and Hove is provided in **Annex 4**.

Survey Methodology

5.10 The survey should take account of all the possible nature conservation features identified by the first impressions survey and any others which may later become apparent. Standard survey methods are available for assessing different species groups. Many of these are explained by the IEEM on the Internet at http://www.ieem.net/survey%2Dsources/. Reference should also be made to Standing Advice for Protected Species, published for the South East Region by Natural England and available at http://www.naturalengland.org.uk. Survey reports supporting planning applications are expected to adhere to these standards[6]. Note that timing is an important consideration for most species surveys. If it is necessary to vary the method used from accepted good practice this should be clearly explained, as should the effect on the reliability of the results. CIRIA has published guidance on the optimal timing for carrying out specialist ecological surveys and mitigation which is available on the Internet at the Ciria web site (registration required).

5.11 In addition to surveys for particular species, all surveys should also use established methods to assess the plant communities and habitat types present on site. Acceptable habitat assessment methods are the 'extended Phase 1' and the 'Integrated Habitat System'.

5.12 As part of an ecological survey, consultants should take account of previous species records for the site. These are available for the Brighton and Hove area from the Sussex Biodiversity Record Centre, The Booth Museum and the CityWildlife web site (see **Annex 4**).

5.13 The methods, results and conclusions of any nature conservation survey must be compiled and submitted in writing as part of the planning application.

Stage A3: Mitigation

5.14 The findings of ecological surveys should be taken into careful consideration at the earliest design stage of a development. Possible conflicts can be addressed by having the information available at the right stage and by taking an imaginative approach to site design to avoid harm, informed by advice from an ecologist as part of the design team. The objective should be to mitigate potentially negative impacts and integrate existing biodiversity into the scheme. Impacts on existing nature conservation features should be avoided wherever possible and any residual impacts should be minimised. To aid this process a hazard prevention checklist is provided in **Annex 5**.

[6] Please note that in the case of bat surveys, dusk emergence and dawn re-entry surveys will always be required in the appropriate season to supplement daytime bat surveys, unless the structure can be demonstrated to provide no suitable roost sites. For further information see Bat Conservation Trust: Bat Surveys: Good Practice Guidelines

5.15 In assessing the potential impact of a proposal on nature conservation features, applicants should ensure that all stages of the development are considered. Frequently the disturbed area of the development site during construction is greater than that normally shown on application drawings. Impacts may also extend beyond the site boundary long after construction has completed, for example due to shading, increased light pollution or predation by domestic pets. Damaging impacts on the integrity of networks of habitat through fragmentation should also be considered.

5.16 Applicants should ensure that they take account of the potential effects of a development on all the life stages of species listed in **Annex 1,** taking account of the following essential requirements:

- Food
- Water
- Shelter
- Reproduction
- Dispersal

For example, preserving a Great Crested Newt breeding pond within a development would not be sufficient to conserve the species, if its terrestrial habitat is destroyed.

5.17 The potential habitat fragmentation and isolation effects of a development on the wider environment should be considered. For example, removing a hedgerow or line of trees could sever a bat feeding route with consequential effects on a breeding colony, even if the colony itself is preserved. Developers should therefore consider the use of appropriate species, the creation of buffer zones, stepping stones and wildlife corridors to ensure the development is integrated into the wider environment.

5.18 Applicants should also consider that some potential effects will be acute and easily detectable, while others may be long term and may only become apparent some months or years after construction is complete.

5.19 Damaging impacts on nature conservation features may be identified which cannot be avoided without jeopardising the viability of the development. These impacts should be clearly described and a full explanation given, as a part of both outline and full planning applications. Applicants should be aware that if the council considers the nature of the damage outweighs other material considerations, the application will be refused. This is particularly relevant for proposals involving impacts on designated nature conservation sites or protected species.

Stage A4: Compensation

5.20 In cases where damaging impacts on nature conservation features are identified which cannot be mitigated, compensation, either on or off-site, will be required.

5.21 The objective of compensation is to restore or recreate the nature conservation feature damaged by a development. Compensatory measures should provide, as a minimum, no net loss to the overall quality or area of the nature conservation feature within Brighton and Hove. In some cases a greater quantity of the replacement feature may be required, particularly in cases where there is uncertainty about the quality of the replacement. It may also be necessary to take account of other factors, such as LBAP targets and the effects of climate change. For example some species may be used in compensation schemes in preference to others found in the original habitat because of their known tolerance of the predicted climate in Brighton and Hove. The advice of an experienced ecologist should be sought.

5.22 Compensation should not be regarded as an alternative to avoidance and should only be considered if avoidance is unachievable. The integrity of a nature conservation site as a whole can be adversely effected by a damaging development affecting a proportion of it, even if compensatory measures are carried out elsewhere. Furthermore there is usually a high degree of uncertainty over whether compensation will achieve the nature conservation value of the original, at least within a reasonable period of time. Therefore proposals involving compensatory measures must demonstrate why mitigation is not possible to achieve. Alternative solutions should be described and discussed in the planning application. For compensation to be acceptable, the importance of the development must also clearly outweigh the harm caused.

5.23 It may be necessary to implement compensation measures some time before the development itself proceeds. Some features, such as artificial badger setts, hedgerows and ponds, usually need time to mature and function ecologically before they will offer effective alternative habitat. Applicants should ensure such considerations are fully taken into account in the timing and phasing of development proposals.

Figure 5 Some features, such as this pond, need time to mature before they can offer effective habitat

Compensation Options

5.24 Compensation can take the form of:

- The translocation of existing nature conservation features to:
  - a new location within the development site, or (if this is not possible)
  - a new location within Brighton and Hove.

- The re-creation of new nature conservation features within the development site or Brighton and Hove to replace those lost or damaged.

- A commuted sum paid to the council to improve or create equivalent nature conservation features elsewhere in Brighton and Hove.

5.25 Applications involving compensation proposals should consider the above options in that order, for example only including proposals to recreate nature conservation features if translocation is not possible.

5.26 If it is not possible to translocate or re-create nature conservation features within the development site, an applicant may choose to carry out equivalent measures on land elsewhere in Brighton and Hove.

Translocation

5.27 In some cases translocation may be the only compensation option available, for example if legally protected species are involved. Translocation proposals must be described in detail as part of the planning application. To be acceptable to the local planning authority, proposals must include descriptions of:

- The technique to be used to collect and move the feature, including timing
- The equipment to be used
- The personnel involved
- The location, size and physical characteristics of the donor and receptor sites
- Any habitat management of the donor and receptor areas which may be required before and after the proposed translocation.

Figure 6 some species, such as this slow-worm, can be translocated to a new habitat as a part of a development scheme. Photo: David Larkin

5.28 Species and habitat translocation proposals should adhere to the recommendations set out in 'A Policy for Conservation Translocations of Species in Britain' and 'A Habitats Translocation Policy for Britain' published by the Joint Nature Conservation Committee and available for download from the Internet at http://www.jncc.gov.uk. If it is necessary to vary the method used from accepted good practice this should be clearly explained, as should the effect on the reliability of the results.

5.29 To achieve sustainable development, the area of habitat available for species and habitats in Brighton and Hove should at least be maintained and wherever possible increased as a consequence of development proposals. The following translocation proposals are therefore not acceptable:

- translocation of habitats or species to sites outside the city boundary and;
- translocation of species to sites which already support good populations of the same species, or when habitat enhancement to accommodate the increased population size cannot be reasonably achieved.
- the translocated species may have a detrimental impact on other species of conservation importance at the proposed donor site.

5.30 Guidance on the identification of suitable translocation sites may be sought from the Council Ecologist (see 'further advice', **Annex 4**) prior to the application being submitted. The council has identified an area of land within its ownership which is suitable for reptile translocation, should other translocation options not be possible.

Re-creation

5.31 Re-creation proposals should adhere to the guidance set out in **Annex 7**. In cases where a delay is inevitable before a new habitat performs the same ecological functions as that lost, the application must also explain how all reasonable efforts will be made to 'pump prime' the habitat to provide compensatory features of equivalent value, e.g. by including nest boxes to compensate for loss of bird breeding habitat, in addition to replanting an area of scrub suitable for nesting birds.

5.32 Applicants may wish to refer to the series of habitat creation and maintenance handbooks published by the British Trust for Conservation Volunteers which are available from the BTCV web site.

Commuted Sums

5.33 In some cases it may not be possible for a developer to either mitigate or compensate for the effects of development on nature conservation features within the development site or wider Brighton and Hove. In certain circumstances the development may still be justified, taking account of the planning policy context. In such circumstances a financial payment will be required to be paid to the council via a planning obligation, secured through a S.106 Agreement. The purpose of such a payment would be to pay for the council to secure adequate compensatory measures, to ensure the sustainable

development objectives of local planning policy are achieved. Guidance on calculating an appropriate payment is provided in **Annex 6**.

Compensation and Irreplaceable Nature Conservation Features

5.34 It is not practically possible to compensate for the loss of some nature conservation features. Applications involving proposals to compensate for loss or damage to the following nature conservation features will be refused unless the need for, and benefits of, the development in that location have been demonstrated to outweigh their loss:

- ancient woodland,
- veteran trees
- ancient hedgerows
- ancient chalk grassland

is

Figure 7 some habitat, such as ancient woodland, practically irreplaceable

5.35 Ancient woodland can be identified using the provisional East Sussex Inventory of Ancient Woodland (Nature Conservancy Council 1984) (currently under review) which can also be viewed on the Internet at www.magic.gov.uk (by running the Habitat Inventories option). It should be noted that ancient woodland of less than 2 ha which may occur in Brighton and Hove is not included in the 1984 inventory.

Stage A5: Delivering Adequate New Provision for Biodiversity

5.36 Planning policy requires development to improve and extend nature conservation features wherever possible and local planning authorities are expected to actively pursue and maximise such improvements. All development in Brighton and Hove is required to improve and extend existing nature conservation features and add new features, irrespective of the original nature conservation value of the development site or its size.

5.37 Given the diversity of opportunities created by developments it would not be appropriate to precisely prescribe the amounts or types of nature conservation features which should be provided in every situation. Instead **Annex 6** should be used to achieve the required number of 'habitat points' for an applicable development. The Annex uses a menu of options to provide maximum flexibility to developers while also ensuring that nature conservation is adequately delivered in accordance with policy requirements.

Figure 8 development provides a wide range of opportunities to encourage new biodiversity, such as these sparrow nest boxes in Hollingdean, Brighton

5.38 In providing new nature conservation features, all developments should adhere to the following principles:

1. Clearly distinguish between the new nature conservation benefits offered and any existing features retained or compensated for;

2. Ensure that adequate provision is made for all nature conservation features (new and existing) to be managed appropriately. Sustainable practice should be employed in any landscaping scheme, including :

   - the use of only peat-free composts, mulches and soil conditioners.
   - avoiding the use of pesticides (which include herbicides, insecticides, fungicides and slug pellets);

3. Take a creative approach to maximising nature conservation, particularly those which deliver multi-functional benefits. For example incorporating green roofs or sustainable urban drainage systems can also deliver open space and wildlife befits. Promoting wildlife gardening in the gardens of show homes can have important educational benefits, and minimising impermeable paved areas can reduce storm water runoff and create opportunities for new habitats.

4. Address the regional water shortage through water conservation measures such as rainfall harvesting and using rainwater irrigation and drought-resistant plants;

5. Ensuring that new biodiversity benefits are fully integrated through the scheme, not fragmented into isolated pockets or restricted to peripheral parts of the development site;

6. Take account of the wider landscape and ecological context of the development to ensure opportunities to promote the connectivity of habitats are maximised.

7. Ensure that adaptation to and amelioration for the effects of climate change are fully taken into account (likely climate change impacts include extended periods of summer drought, periods of heavy rainfall in winter, warmer summers, strong winds and more intense summer storms);

8. Ensure the plant species used to create new nature conservation features are appropriate to Brighton and Hove, the local context and the development (**see Annex 7).** In the urban area, these need not be native but they should be chosen to maximise the biodiversity of the site and to avoid any negative impacts on areas of LBAP habitat in the vicinity;

9. Seek to contribute to the achievement of LBAP objectives (for further information see the 'useful contacts' section and **Annex 1**. **Annex 7** contains more detailed guidance about the creation and management of selected nature conservation features in the local context) and

10. Wherever possible take opportunities to include biodiversity onto the fabric of buildings, for example:

    - Incorporate 'green roofs' on both flat and pitched roofs and planted 'green walls'. Such features promote urban biodiversity and offer other important sustainability benefits, such as reduced energy consumption, adaptation to climate change and opportunities for new open space. Locally native vegetation and local growing media should be used. Green roofs and green walls are however not appropriate for Listed Buildings, Buildings of Local Interest and traditional buildings.

    - For technical guidance on incorporating nature conservation features into buildings see www.ciria.org/buildinggreener and www.livingroofs.org.uk. The Council

Ecologist may also be contacted for informal, pre-application advice (see contacts, **Annex 4**).

Figure 9 green roofs benefit biodiversity and provide ecosystem services, such as reducing storm water runoff

5.39 Where biodiversity is not provided for adequately, sufficient explanation should be provided. In such cases a commuted sum will be required equivalent to the cost of creating the required features, taking account of the guidance and standards set out in **Annex 6**. The commuted sum will be used by the council to create new nature conservation features within the Brighton and Hove Green Network.

6 Stage B: Submitting a Planning Application

6.1 By the time a planning application is ready for submission, a 'first impressions' survey should have been undertaken and depending on the outcome, a nature conservation survey may also have been completed. The process described in stages A3 to A5 of this SPD should also have been documented. All planning applications should include:

- a list of any relevant Biodiversity Checklist indicator numbers (see Annex 3). If there are none, then this should be stated;
- a statement explaining the steps planned to address any existing nature conservation value and
- appropriate proposals for new biodiversity provision.

Nature Conservation Reports

6.2 All applications where a full nature conservation survey is required must submit a Nature Conservation Report before the application can be validated.

6.3 Nature Conservation Reports should (refer to Table 1):

- Describe how stages A1 and A2 have been achieved
- Locate and describe existing nature conservation features of value, with scale plans where appropriate.
- Describe how stages A3, A4, A5, C and D would be achieved.
- Provide contact details, qualifications and experience of all relevant personnel.

6.4 Following the good practice set out in this SPD will avoid unnecessary delay during the determination process and will ensure nature conservation makes a positive contribution to new developments.

6.5 Applicants are advised to also consider SPD03 (Construction & Demolition Waste), SPD06 (Trees and Development Sites) and SPD08 (Sustainable Building Design) before submitting a planning application.

7 Stage C: Planning Permission Granted: the Construction Phase

7.1 During construction it is essential that steps are taken to ensure all personnel understand the nature conservation objectives of the development. Temporary signage of sensitive areas is advisable and regular checks of the nature conservation features and any protective fencing should be carried out. Nature conservation reports should describe the measures which will be taken to ensure existing nature conservation features are conserved during the construction phase (see **Annex 5**). Such reports should also address:

- Identification of and contact details for responsible personnel.
- Timing of works to minimise the risk of disturbance to protected and other species.
- Procedures for dealing with unexpected discoveries, such as previously undetected protected species or injured wildlife. If a protected species is found after planning permission has been granted, the developer should stop work immediately and contact Natural England for further advice.

Figure 10 ensure important features to be retained, including trees, are properly protected during construction!

8 Stage D: Aftercare

8.1 Planning applications should include costed maintenance specifications and monitoring proposals for each of the nature conservation features addressed and describe how these aspects would be implemented. This could include a description of the resources required, the personnel involved and a procedure for ensuring that any new owner/occupiers are made aware of their responsibilities.

9 Hypothetical good practice case studies

The two case studies below are hypothetical and any resemblances to actual developments, planned or implemented, are entirely incidental. Please see Annex 6 for further details.

1. Small back-land housing development

A proposal to develop a former private garden of 0.1 hectares for 9 terraced houses appeared to offer few opportunities for urban biodiversity, but biodiversity loss was successfully minimised and new opportunities for wildlife created.

The Site

The development site was typical of a large back garden in suburban Brighton with a mix of vegetable gardens, fruit trees and flower borders.

The Proposal

The proposal involved developing the site for 9 terraced three-story houses with small courtyard gardens. The proposal was supported by a strong policy base encouraging high density development on previously developed land but it also had to demonstrate that there would be no net loss of biodiversity and that opportunities to increase biodiversity had been maximised, in order to meet biodiversity policy requirements.

Taking account of Biodiversity

A1: First Impressions Survey

During the initial visit, the architect carried out a 'first impressions' survey of the potential biodiversity of the site, using **Annex 3** to this SPD. The following indicators of biodiversity were identified:

Biodiversity Indicators	Notes (indicators of :)
1. Development involves clearance of shrubs/scrub or woodland of more than 50m²	Nesting birds, bats
7. Change to derelict areas with exposed soil, brambles, piles of rubble, etc.	Reptiles (Adder, Viviparous Lizard, Slow-worm), invertebrates, plants of value
10. Loss of a hedge (including garden hedges) of any length	Nesting birds
13. Any of the following observed on or within 30 metres of the application site: Narrow paths passing under thick vegetation or fences; small soil excavations; burrows of a diameter greater than 20cm	Badger

A2: Nature Conservation Survey

On the basis of the findings of this survey, the developer employed a consultant ecologist to carry out an ecological survey of the site and to make recommendations for mitigation, compensation and enhancement. The consultant was employed in good time to ensure the survey could be carried out at the appropriate season and so that their recommendations could be integrated into the development from the earliest design stages.

The ecological survey discovered several species listed in **Annex 1** to this SPD. These included a large population of Slow-worm over the whole site. Badger, House Sparrow, Pipistrelle Bat, and Song Thrush were also found to use the site but were not resident. A pond of 7m^2 was also discovered.

A3: Mitigation

The findings of the ecological survey formed the basis for a strategy for minimising harm and maximising the biodiversity value of the development. This was achieved in the following ways:

Access for badgers to the adjacent green network / Greenway was retained via a 'badger corridor' to mitigate for the effects of the development on local badger populations.

A4: Compensation

Loss of the mature garden as Slow-worm habitat was unavoidable. The developer was unable to provide land under their control to re-create the habitat off-site. However, using Annex 6, the developer agreed to pay the council a commuted sum of £1,720 to maintain for 10 years 0.1 ha of new Slow-Worm habitat at a pre-agreed site in the ownership of the council. The developer's consultant ecologist prepared the translocation site and carried out the reptile translocation.

A $7m^2$ pond was also created on communal green space within the development to compensate for the one lost.

A5: New Benefits

$100m^2$ of green roofs were fitted to sections of the roofs of the new houses. Although these were new nature conservation features, use of a chalk grassland plant community on the roofs also provided compensatory feeding habitat for House Sparrow, Pipistrelle Bat, Song Thrush and other wildlife, and therefore contributed to targets in the Local Biodiversity Action Plan (LBAP).

$20m^2$ of green wall was fitted to one end of the block of houses and five bat boxes and five bird boxes for House Sparrow were fitted to the wall behind it to provide opportunities for these species to become established on site, to enhance its biodiversity value and address LBAP targets.

A green, open space was created in front of the new houses, including $7m^2$ compensatory pond (fenced) to provide visual interest for the householders and a feature for wildlife. Wildlife friendly amenity planting was integrated into $100m^2$ of Local Area for Play. The householders make an annual payment to a management company to maintain the space in accordance with a pre-agreed management plan (secured through the Section 106 agreement). The space also provides opportunities for the householders to actively participate in habitat management and to be involved in an annual review of priorities.

Calculation of 'Nature Points' *(refer to Annex 6)*

Total number of habitat points required: 1,000 =	1,000 points

Habitat points earned by the enhancement measures:

$100m^2$ of chalk grassland green roof at 5 points per m^2:	500

20m^2 green wall at 15 points per m^2:	300
7m^2 pond	84
6 bird boxes @ 3 points per box	18
5 bat boxes @ 5 point per box	25
Total number of points earned by the development:	927
Shortfall (1000-927)	73
£21 x 73 =	£1,533
Total commuted sum (inc. reptile translocation): £1,720 + £1,533 =	£3,253

2. Public building adjacent to a Local Nature Reserve

A proposal to provide a new public facility ensured that biodiversity can play an enhanced role in improving quality of life for the local community.

The Site
The development site comprised 0.3 ha of amenity grassland in a neighbourhood of Brighton and Hove which had been identified as suffering from multiple deprivation.

The Proposal
The development proposal involved creating a new 1,500m^2 floor space community facility on two floors, including a nursery, office space, a computer suite, coffee bar and training facilities.

Taking account of Biodiversity

A1: First Impressions Survey
The council-led proposal was put together by a multi-disciplinary team to ensure the final scheme would be socially, environmentally and economically sustainable. In accordance with the requirements of Section 40 of the NERC Act 2006, biodiversity considerations were integrated into the scheme from the outset and the costs factored into the funding bid.

A 'first impressions' survey found that the development site was of low biodiversity value. No additional survey (stage A2) was therefore required and the scheme concentrated on delivering biodiversity gain and contributing to LBAP targets.

A3: Mitigation and A4: Compensation
None required.

A5: New Benefits
Biodiversity features were integrated into the new community facility, including a 'green roof', 'green walls' and ten wall-mounted nest boxes for House Sparrow. The roof was vegetated with a native chalk grassland seed mix to contribute to LBAP targets. This also

helped to disguise the building in long-views. Surrounding landscaping used wildlife-friendly plants, including a variety of scented species in open space attached to the nursery. Spiny *Pyracantha*, was grown against the walls of the facility to provide berries and nesting opportunities for birds, and as a deterrent to climbing teenagers! Green wall planting at the rear of the facility was installed to deter graffiti. A species-rich hedgerow was grown along the boundary of the site with the LNR to help screen long views and provide a new habitat for nesting birds and other wildlife.

Calculation of 'Nature Points' *(refer to Annex 6)*

Total number of habitat points required:	3,000
500m^2 chalk grassland green roof at 5 points per m^2:	2,500
30m^2 green wall at 15 points per m^2	450
10 bird nest boxes at 3 points per box	30
65m hedgerow at 3 points per m	195
Total	3,175

Nature conservation enhancement requirements exceeded by 175 points!

10. Glossary of terms

BAP and LBAP: Biodiversity Action Plans and Local Biodiversity Action Plans (BAPs & LBAPs) review the current resource of habitats and species and establish broad objectives for improvement into the future. They also set specific targets for achieving the broad objectives and identify methods of delivery, resources and a programme of action. BAPs exist at national and local levels**.**

BREEAM**: The Building Research Establishment's Environmental Assessment Method has been used to assess the environmental performance of both new and existing buildings. It is regarded by the UK's construction and property sectors as the measure of best practice in environmental design and management. For further information see www.breeam.org.**

Climate Change**: Current projections are for hotter, much drier summers and warmer, wetter winters in the UK. These changes would have marked effects on existing biodiversity. However nature conservation features can ameliorate climate change, for example by reducing storm water runoff and cooling summer heat. Further information can be found on the Internet at www.defra.gov.uk/wildlife-countryside/resprog/findings/climatechange-biodiversity/index.htm.**

Local Nature Reserves are statutory nature conservation designations made by local authorities under the National Parks and Access to the Countryside Act 1949.

Green Roof: A roof supporting vegetation. **Biodiverse roofs** are designed to support species-rich habitats such as chalk grassland. Brown Roofs use recycled rubble to support specialist plant communities. For more information see www.livingroofs.org

Figure 11 Marbled White butterfly

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