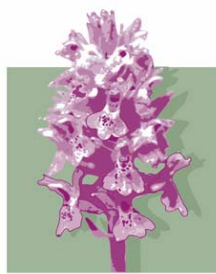


Guidance on Biodiversity Policies for Local Development Framework Documents in Hampshire



HAMP SHIRE
BIODIVERSITY
PARTNERSHIP

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On behalf of the Hampshire Biodiversity Partnership

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Part 1 Introduction

1.1 Biodiversity as an integral part of sustainable development

1.1.1 Biodiversity is a key factor in the achievement of sustainable development and as such must be given full consideration within Local Development Frameworks (LDF). The Hampshire Local Authority Biodiversity Forum (LABF) has commissioned a variety of work to support the inclusion of biodiversity within LDFs. Introductory guidance has already been completed in the document *“Biodiversity and Development Guidance for Hampshire – Recommendations for integrating Biodiversity into Local Development Frameworks”*, prepared by Mike Oxford on behalf of LABF (November 2005), and which is referred to throughout this paper. The aim of this document is to provide a comprehensive set of example biodiversity policies that will provide specific guidance for local planning authorities in their preparation of biodiversity policies for inclusion in their Local Development Documents (LDDs).

1.2 The LDF process

1.2.1 The Planning and Compulsory Purchase Act 2004 has introduced fundamental changes to the planning system, including greater emphasis on sustainable development, and on spatial planning, community involvement and quality outcomes. The changes also have implications for biodiversity conservation and enhancement. In the past, the typical approach has been to include a suite of policies for nature conservation in the development plan, and to elaborate on these through the publication of Supplementary Planning Guidance. However, the changes now introduced through the 2004 planning legislation provide far more flexibility, emphasis on positive enhancement, and greater options for the way in which biodiversity can be considered across various Development Plan Documents (DPDs) within the LDF. The “development plan” consists of the LDF and the Regional Spatial Strategy (RSS). The LDF must conform to the “senior” RSS, which in Hampshire’s case is the South East Plan.

1.2.2 The New Forest has been designated as a National Park which has implications for the preparation of LDFs. The National Park Authority will prepare a LDF for the whole of the designated area of the National Park while the Districts that partly fall within the Park’s boundaries will prepare separate LDFs for the areas outside the designation. A particular consideration that local authorities will have to bear in mind when dealing with land that falls within the National Park designation is the section 62 duty of the Environment Act 1995. This duty states that if it appears that there is a conflict between the National Park purposes that greater weight should be attached to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area as opposed to the purpose of promoting opportunities for the understanding and enjoyment of the special qualities of the National Park to the public. Guidance on this issue can be found in the 2005 DEFRA guidance note “Duties on relevant authorities to have regard to the purposes of National Parks, AONBs and the Norfolk and Suffolk Broads”.

1.3 Methodology

1.3.1 In order to prepare a suite of model policies for this guidance it was found useful to look at the way biodiversity policies have been approached by different local authorities as they progress their LDFs. The Local Plans and Local Development Frameworks which have been used as guidance have been referenced at Appendix 1. As far as possible adopted policies or policies from submission documents were looked at. However, to date only a limited number of local authorities have reached the adoption stage of their core strategies, so there are relatively few examples of policies which have been through the public examination process and considered “sound” by the Planning Inspectorate. A number of local authorities have reached the submission stage of the Core Strategies, which suggests that policies have developed from several rounds of consultation. Very few local authorities have reached the submission stage for other DPDs (i.e. Development Control Policies, Site Specific Allocations or Area Action Plans). Where it has been possible, the references have been chosen from the south-east region.

1.3.2 The model policies are intended to be a starting point for individual local authorities to prepare their own policies and a way of ensuring that biodiversity issues are fully covered and integrated throughout each LDF. The local authorities must ensure that the model policies are tailored to local needs and include sufficient locally distinctive details and examples. To some extent local authorities will be constrained on the content of their LDFs by the programme set out in their Local Development Schemes (LDS), including the topics covered by Supplementary Planning Documents (SPD). Biodiversity policies should refer to relevant SPDs that are to be prepared as part of the LDF. Test Valley Borough Council is intending to prepare its own Biodiversity Action Plan as an SPD, for example.

1.4 Biodiversity policies

1.4.1 Hampshire is exceptionally rich in wildlife and landscapes. The County’s diverse habitats include chalk downland, coastal habitats, ancient woodland, heathlands, river valleys and wildflower meadows. It includes large parts of the New Forest, designated as a National Park in 2006, which is considered to be the greatest area of “semi-wilderness” left in lowland England. Although largely a rural county, Hampshire also has large urban areas where there are also valuable wildlife habitats and enhancement opportunities. Over recent years, however, many of these habitats have been lost or damaged. The Hampshire Biodiversity Action Plan (HBAP) sets out a strategy which aims to prioritise and manage the threatened habitats and species and is a key reference in the preparation of biodiversity policies. When preparing their LDFs the local authorities may use the model policies as a template but should also make reference to the particular priority habitats and species that are found within their areas, and also highlight any issues specific to the district.

1.4.2 Policy wording is offered for each of the different DPDs in the following sections of this guidance –

- Core Strategy cross cutting themes;
- Core Strategy biodiversity specific policies
- Development Control policies;
- Site Specific Allocations; and
- Area Action Plans.

1.4.3 The suggested policy wording set out in this document is intended to be a starting point for local authorities within Hampshire to base their own individual set of biodiversity policies. It is essential that local sites and situations are fully integrated into the policy wording and explanatory text, with any local strategies or programmes being fully referenced.

1.4.4 Biodiversity can be affected by a very wide range of development proposals and a strong policy framework should ensure that biodiversity is integrated into the spatial planning system and is protected and enhanced at every opportunity.

1.4.5 It should be noted that biodiversity is sometimes a component of a wider policy on the environment. Example policies in this document are illustrative of the biodiversity content of such policies and it is not intended to offer best practice for the other components covered within them.

Part 2 Core Strategy Cross-Cutting Policies

2.1 Core Strategy requirements

2.1.1 PPS12 states that the Core Strategy should normally be the first DPD to be produced and should set out the long term spatial vision for the authority's area and the strategic policies required to deliver the vision. As such it should draw upon any strategies of the local authority and other organisations that have implications for the development and use of land (in the case of biodiversity this includes the UK Biodiversity Action Plan, The England Biodiversity Strategy and local Biodiversity Action Plans).

2.1.2 The Core Strategy should contain clear and concise policies for delivering the strategy which will apply to the whole of the local planning authority's area or to locations within it, but should not identify individual sites.

2.1.2 As the Core Strategy sets out the strategic objectives for the whole of the LDF it is the most suitable place to set out cross-cutting policies that will affect the whole of the plan area. Cross-cutting topics which affect biodiversity are as follows:

2.2 Sustainable Development

2.2.2 Sustainable Development must be at the heart of the LDF and an over arching policy in the Core Strategy should set out the plan's fundamental test of sustainability. Biodiversity is of course a critical component within the overall approach to sustainability. The Government guidance on sustainability, "Securing the Future, the UK Government Sustainable Development Strategy" (2005) sets out a set of five guiding principles that will be used to achieve the overall goal of sustainable development. The most relevant principle as far as the biodiversity is concerned is as follows:

"Living within Environmental Limits – Respecting the limits of the planet's environment, resources and biodiversity – to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for generations."

2.2.3 The wording of core strategy policies should reflect this advice. An example of suggested wording for the biodiversity component of a wider policy on sustainable development is given below.

Suggested Policy: Sustainable Development (part of wider Sustainable Development policy)

The District Council will work with partner organisations towards more sustainable development. It will appraise development proposals to ensure that they do not cause significant harm to the following:

- a) biodiversity;
- b) natural resources including water, air and soil;

2.3 Climate Change

2.3.1 According to *“Biodiversity and Local Development Frameworks in Hampshire*, there should be a policy that addresses the way that distribution of nationally or regionally significant species and habitats may alter with climate change, and the effects such change may have on biodiversity and nationally or internationally designated sites. Within Hampshire sea level rise is a considerable threat because of its significant length of coastline with associated tidal rivers and estuaries. The problems and opportunities that this poses need to be anticipated and planned for. Coastal habitats may be lost and species on the edge of their present range may disappear. A policy on climate change may be based on consideration of the possible options that exist to avoid or reduce the effects of climate change on vulnerable habitats and species.

2.3.2 Climate Change is a cross-cutting theme within the Draft South East Plan (Policy CC2) and likewise a number of Core Strategy policies should, in combination, aim to reduce a District’s contribution to the causes of climate change, and /or allow the District to adapt to climate change. This dual approach to addressing climate change would involve enabling and promoting measures to reduce emissions, and ensuring new developments are adaptable to the changing climatic conditions. Opportunities for mitigation of climate change will include minimising emissions from new developments, developing and using renewable energy (such as bio-energy or wind energy), reducing the need to travel, conserving resources, and managing waste by alternative means to landfill. Climate change proofing of developments, designing and managing for risks associated with climate change will also be essential. From a biodiversity perspective the enhancing and extending of natural habitats is essential in preparing for climate change. This means that a whole range of policies within a core strategy could tackle the issue of climate change in different ways under different lead issues, for example sustainable communities; management of water resources, sustainable technologies; renewable energy production; sustainable patterns of transport; managed realignment of the coast, as well as biodiversity and wildlife policies.

2.3.3 The Draft South East Plan (Section D5 6.4) acknowledges the impact of climate change on biodiversity where it states *“The impacts of climate change will result in both further threats and opportunities. Many species and their habitats will need to be able to move if they are to survive and therefore need robust and well connected wildlife habitats. Further fragmentation of habitats will limit even more the ability of species to move and respond to the impacts of climate change”*. LDFs should therefore reflect this regional lead either within a broader policy on climate change or alternatively within a broad biodiversity policy. Whichever approach is taken the biodiversity element of such a policy could be based upon the following wording:

Suggested Policy – Biodiversity and Climate Change (part of wider policy on climate change)

The District will support the creation of opportunities for species to spread and the creation and expansion of habitats in order to reduce any negative impacts of development, and to allow species and habitats to adapt to ecological change as a result of climate change (such as through coastal squeeze). This will particularly be encouraged through the reinstatement of previously fragmented habitats by restoration and creation, and the targeting of the most vulnerable habitats and species.

Explanatory text

Climate change will impact on habitats and the species they support, forcing them to adapt or move to keep pace with shifting climatic conditions. Valuable habitats may be subject to greater risk of storm damage or coastal squeeze. Habitat networks and buffer zones can help the movement of species in their search for more favourable territory, so previously fragmented habitats should be reinstated wherever possible.

2.4 Green Infrastructure

2.4.1 This broad environmental and social concept is particularly important for underpinning the planning of urban development.

2.4.2 *“Green Infrastructure is the sub-regional network of protected sites, nature reserves, greenspaces, and greenway linkages. The linkages include river corridors and flood plains, migration routes and features of the landscape, which are of importance as wildlife corridors. Green Infrastructure should provide for multi-functional uses i.e. wildlife, recreational and cultural experience, as well as delivering ecological services, such as flood protection and microclimate control. It should also operate at all spatial scales from urban centres to open countryside”* (Biodiversity by Design – A Guide for Sustainable Communities TCPA, 2004).

2.4.3 As well as providing a network of open greenspace, green infrastructure includes provision of natural features within the fabric of urban design, such as green roofs and street planting. Green infrastructure also embraces the management of environmental processes such as sustainable urban drainage and sustainable land use at the interface between urban and rural environments.

2.4.4 The Draft South East Plan (Section D5 6.7 iii) recognises the importance of green infrastructure and a Green Infrastructure Strategy for Urban South Hampshire is in preparation that will help guide green infrastructure provision in the South Hampshire sub-region.

2.4.5 All LDFs need to set out a policy that establishes green infrastructure as a fundamental and integrated element of the land use strategy. The concept of green infrastructure, once established in the Core Strategy, can be followed up in subsequent DPDs and SPDs. It is particularly important in linking urban and rural areas and affording green networks in urban areas.

Suggested Policy – Green Infrastructure

Provision of green infrastructure will be sought through the protection and enhancement of natural assets and the creation of new multi functional areas of green space that afford opportunities for recreation and tourism, public access, education, biodiversity, water management, the protection and enhancement of the local landscape and mitigation of and adaptation to climate change.

Green Infrastructure corridors will connect locations of natural heritage, green space, biodiversity or other environmental interest. They will be safeguarded through:

- a) Not permitting development that compromises their integrity and therefore that of the overall green infrastructure framework;
- b) Using developer contributions to facilitate improvements to their quality and robustness;
- c) Investing in appropriate management, enhancement and restoration, and the creation of new resources.

Explanatory Text

Green Infrastructure is a network of multifunctional green spaces, natural features and environmental management systems which help to provide a natural life support system for people and biodiversity. This network of land and water supports biodiversity, maintains natural and ecological processes, sustains air and water resources, ameliorates adverse effects of climate change and contributes to the health and quality of life of people and communities.

By adopting the green infrastructure approach, development schemes may be adapted or designed to provide improved connectivity through the provision of footpaths and cycle routes; space for nature that contributes to the local/sub-regional pattern of connected habitat, and the provision of imaginative recreational facilities that give educational and physical health benefits to local people.

2.5 Sustainable design and construction

2.5.1 Sustainable construction is one of the cross-cutting policies set out in the Draft South East Plan (section D1, policy CC4). This regional policy can be further developed within the Core Strategy where high standards of design should be set in all new development. In LDFs this type of policy is usually focussed on energy efficiency, integrated renewable energy and use of sustainable material. It could also ensure that development is accessible to all, locally distinctive and makes a positive contribution to the character of the area, utilises the opportunities presented by the location and enhances biodiversity. Suggested policy wording for the biodiversity component of a wider policy on sustainable design is as follows:

Suggested Policy – Sustainable Design (part of wider sustainable design and construction policy)

All development will be expected to incorporate sound sustainable design and construction principles and shall incorporate a high quality of design and materials, local distinctiveness and identity. New developments will need to show that the following principles have been incorporated and will be taken into account during their construction and ongoing maintenance:

- **Opportunities for biodiversity conservation and enhancement should be an integral part of development.**
- That developments meet the BREEAM and Ecohomes “very good” or “excellent” rating as the minimum standard;
- That all new developments conform to the Code for Sustainable Buildings;
- Use of local and sustainable sources of materials;
- **Use of sustainable drainage systems (SUDs) and integrated surface water management in all medium and large developments.**

Part 3 Core Strategy Biodiversity-specific Policies

3.1 Biodiversity policy requirements

3.1.1 The Core Strategy should present a spatial vision and strategic objectives, with an accompanying core policy, for the conservation, restoration and enhancement of important BAP habitats and species. It should also include a locational policy that proposes an improvement in the quality and extent of natural habitat, the physical processes on which they depend, and the naturally occurring species that they support.

3.1.2 Because LDFs are spatial plans, the context for the protection and enhancement of biodiversity must be seen in broader context linking to the other elements of sustainability. It is therefore suggested that biodiversity could be included in a broad “introductory” policy that deals with all environmental assets.

3.2 Protecting and enhancing environmental assets

3.2 The “natural” environmental capital of Hampshire should be viewed as a very important asset. The ability to enjoy, access, understand and benefit economically from a well managed, locally distinctive environment is a major contributor to the quality of life. Distinctive landscapes, high quality townscapes, sense of place, appropriate outdoor recreation, rich biodiversity and geological diversity, ancient woodland and thriving habitats are assets which are not only intrinsically important, but can help attract inward investment, benefit public health standards, be invaluable as an educational asset and help mitigate effects of climate change. Suggested wording for the biodiversity component of a wider policy covering, inter alia, landscape, water quality and the historical environment is as follows:

Suggested Policy - Environmental Assets (part of wider policy)

The Council will conserve and improve the environmental assets of the District by requiring

- 1. the objectives of national and local biodiversity action plans to be implemented through measures including conserving and enhancing the natural biodiversity of the District in terms of species and habitat, and protecting international, national and locally designated sites of importance for biodiversity.**

3.3 Biodiversity and geological strategy

3.3.1 A policy should be included in the Core Strategy that establishes the overarching approach to the conservation of biodiversity and geological interest for the whole of the Local Development Framework. A core strategy policy needs to establish broad principles which can be followed through in subsequent DPDs. Although the policy wording needs to be concise it should incorporate various key elements. The hierarchy of environmental protection from international to local must be clearly set out. Within

areas that fall within the New Forest National Park, reference should be made to section 62 of the Environment Act, i.e. that if a conflict of interests arises then natural beauty and wildlife interests are given greater priority than other National Park purposes. The policy should also cover the issue of protecting the wider biodiversity resource that lies outside the suite of designated sites. The key elements for inclusion in the policy are as follows:

3.3.2 International sites - Sites designated through European Union “Natura 2000” legislation, including Special Protection Areas (SPA), Special Area of Conservation (SAC) or Ramsar Sites (Wetlands of International Importance) enjoy the highest level of statutory and government policy protection to maintain and restore any nature conservation interest. Specific and stringent tests within the Habitats Regulations 1994 ensure that harmful development will only be approved if there are no alternative solutions, and if there is an overriding public interest (which case law defines as being as national interest) for the use and providing that the overall coherence of the network of international sites is maintained.

3.3.3 It is important to ensure that development, either individually or cumulatively, does not cause harm to these sites. Spatial allocations within the LDF should avoid development in, or that would put undue pressure on, internationally designated sites.

3.3.4 The legal protection afforded to international sites is described in OPDM/DEFRA Circular 06/2005, 01/2005. Local authorities will need to ensure that in preparing LDFs, this legal protection is not prejudiced. PPS9 requires that international sites are identified on the adopted proposals map. However the statutory protection enjoyed by these sites should suffice and policies to protect these areas need not form part of the LDF. It would however be good practice to include explanatory text with the DPD, which cross-refers to the legal protection, and which explains the policy protection Government gives to SPAs, SACs and Ramsar sites.

3.3.5 Sites of Special Scientific Interest - PPS9 requires that SSSIs are given a high degree of protection under the planning system through appropriately worded policies in plans. LDFs may contain spatial policies that encourage local authorities to enhance SSSIs. This might include securing enhancement of SSSIs which fall within the ownership of the planning authority or which are otherwise capable of being addressed through the Council’s broader functions. Although SSSIs have been included in the core strategy policy, as set out below, they could also be included in a development control policy.

3.3.6 Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves (LNRs) - The Core Strategy should include a strategy for SINCs and LNRs that would include positive proposals for protection and enhancement and how they will work to this end with landowners and developers of these sites.

3.3.7 In the document “*Planning for Biodiversity and Geological Conservation: A Guide to Good Practice*”, that accompanies PPS9, it is suggested that a LDF Core Strategy should set out a strategic framework for the protection, restoration or creation of priority BAP habitats and the protection and enhancement of the populations and habitats of priority BAP species. SINCs in Hampshire cover habitats of principal importance for biodiversity which require specific conservation measures, as listed by the Secretary of State under section 74 of the CROW Act 2000 and section 41 of the Natural Environment and Rural Communities Act 2006.

3.3.8 Species protection - Some individual wildlife species receive statutory protection under a range of legislation and specific policies in respect of these species that only serve to repeat this legislation should not be included in local development documents. Other species have been identified as requiring conservation action as species of principal importance for the conservation of biodiversity in England (as listed under section 74 of the Countryside and Rights of Way Act 2000). As advised by PPS9, policies in local development documents should establish measures to protect the habitats of these species from further decline.

3.3.9 Wider Countryside (i.e. Outside Designated sites) - Local, national or even international designations, some of which enjoy protection as a matter of law, are recognised within the approved RSS policies. However, the ability to sustain the best of the natural environment's qualities is seriously diminished without there being sufficient extent and sound condition of less remarkable habitats and landscapes, but which nevertheless contribute significantly towards the critical mass necessary to support a healthy and secure 'natural' environment.

3.3.10 An ideal approach to conservation management is one which is focused not solely on individual site protection (whether designated or not), but which seeks to rebuild the fabric and components of the landscape in which individual sites sit: reducing fragmentation and creating connections for wildlife across the landscape as well as managing /recording and enhancing geological diversity. This approach of establishing networks of natural habitats is a key principle of Policy Planning Statement 9: Biodiversity and Geological Conservation, where it states that sites of biodiversity importance can be linked to provide routes or "stepping stones" for the migration, dispersal and genetic exchange of species in the wider environment. This will become increasingly important in facilitating "species creep" in response to climate change. The SE Plan states that there should be continued protection of important wildlife assets accompanied by better management, the reduction in fragmentation and, where possible the expansion of habitats.

3.3.11 Development proposals should show a net benefit for biodiversity with no significant losses. The Core Strategy should set out a logical approach to the sequence of avoidance and mitigation, only resorting to compensatory measures as a last resort.

Suggested Policy: Biodiversity and Geological Conservation

The District's biodiversity and geological resources will be protected and enhanced. Priority will be given to:

- 1) Protection of the integrity of the internationally and nationally protected sites for nature conservation from inappropriate development;**
- 2) Protect and strengthen populations of protected and target species;**
- 3) Ensure that development retains, protects and enhances features of biological or geological interest, and provides for appropriate management of these features;**
- 4) Ensure development seeks to produce a net gain in biodiversity by designing in wildlife and by ensuring that any adverse impacts are avoided where possible or if unavoidable they are appropriately mitigated for, with compensatory measures only used as a last resort;**

- 5) Maintain a district-wide network of local wildlife sites and wildlife corridors, links and stepping stones between areas of natural green space to prevent the fragmentation of existing habitats and to allow species to respond to the impacts of climate change by making provision for habitat adaptation and species migration;**
- 6) Support enhancements which contribute to the habitat restoration targets set out in the Hampshire Biodiversity Action Plan**

Explanatory text: The District includes an extensive network of sites important for biodiversity and geological interest (include local examples). Any plan or project not directly connected with the management of any European sites but likely to have a significant effect on them will require a Habitats Regulations Assessment at the project stage to ensure that any such effects are mitigated. At a national level, the District includes a number of SSSIs designated and protected under the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000. Regional and Local Sites are designated at a local level. They include Sites of Nature Conservation Importance (SINCs), Regionally Important Geological Sites (RIGs) and Local Nature Reserves. Ancient woodlands are designated as SINCs within Hampshire and are one of the most diverse habitats for wildlife, being home to more species of conservation concern than any other habitat. These designated sites form part of the country's irreplaceable natural capital and the LDF will continue to protect them and encourage and support opportunities to enhance them.

Wildlife sites outside designated areas are also valuable and will be protected and enhanced in the LDF. Wildlife corridors are an important part of the network of nature conservation sites and will be protected from development that will fragment networks or isolate habitats. This is particularly important in helping to combat the impacts of climate change. Whilst mobile species can keep pace with the effects of a changing climate other plant and animal species will find it more difficult. It is therefore essential that the network of natural sites is maintained and enhanced.

The LDF will encourage and support opportunities to create and improve habitats and the need to view biodiversity enhancement as a cross cutting opportunity in all development. Where development adversely affects biodiversity interest, negative impacts should be minimised and mitigation to offset these impacts should be provided.

The LDF will continue to protect species protected by law, principally under the Wildlife and Countryside Act 1981 and the Habitats Regulations and support improvements in the population of targeted species identified at a regional and local level, particularly through the Hampshire Biodiversity Action Plan.

3.4 The Thames Basin Heaths Special Protection Area

3.4.1 The Thames Basin Heaths Special Protection Area (TBHSPA) comprises 11 local planning authorities, including Hart and Rushmoor Districts within Hampshire and comprises a network of 13 Sites of Special Scientific Interest of predominately lowland heathland and conifer plantation.

3.4.2 The Thames Basin Heaths is designated because of the presence of internationally important breeding populations of three rare birds: woodlark, nightjar and Dartford warbler. These birds are vulnerable to disturbance from recreational use of the heaths. If plans for house building over the coming decades increase recreational use of the heaths, this may cause serious damage to their populations.

3.4.3 To address this situation, the Thames Basin Heaths Interim Strategic Delivery Framework, co-ordinated by the Regional Assembly, has been produced. The Framework will guide new housing to be targeted where it will cause least damage to the SPA. An avoidance strategy or mini-plan will be produced by the two Hampshire authorities concerned to provide further guidance as to the spatial distribution of housing within the authority areas. Thus, planning zones are being defined around the SPA. In the zone immediately adjacent to the SPA no new housing would be permitted. Within the next surrounding zone any new housing development should be accompanied by the provision of Suitable Accessible Natural Green Space (SANGS), either through the provision of new open space or significant improvements to existing sites. The developer involved will provide a contribution towards the cost of the measures to provide the SANGS via a section 106 Planning Agreement.

3.4.4 A policy to guide development in accordance with provisions for the SPA will be required within all LDFs covering the Thames Basin Heaths Planning Zone. In Hampshire, this includes the Hart and Rushmoor districts. Key provisions to be covered by such a policy are set out below:

Key provisions to be covered by a planning policy: Thames Basin Heaths Special Protection Area (TBHSPA)

Determination of any development resulting in a net increase in the amount of residential accommodation within the Thames Basin Heaths Planning Zone will be as follows:

1. Within Zone A, additional residential development will be refused planning permission unless, in exceptional circumstances, it is demonstrated that it would not be likely to have a significant adverse effect on the Thames Basin Heaths SPA, alone or in combination with other plans or projects;
2. Within Zone B, additional residential development will be permitted subject to:
 - i. The development providing, through a planning obligation or other legally enforceable agreement, either:
 - Adequate and suitable alternative natural green space to meet its own requirements for avoidance measures; or
 - A planning contribution to the strategic provision of alternative natural green space by the planning authority in accordance with the Thames Basin Heaths Interim Strategic Delivery Plan Document;

- ii. The development being in accordance with other policies in relevant Local Development Documents; and
- iii There being no other reason why the development would be likely to have a significant effect on the Thames Basin Heaths SPA, alone or in combination with other proposals.

Exclusions to the above include residential developments exclusively for those in need of care, which normally will be unlikely to have any effect on the Thames Basin Heaths SPA.

3.5 Previously developed land

3.5.1 Previously developed land (brownfield land) can often be a rich resource for biodiversity and nature conservation interest. PPS9 recognises that the reuse of previously developed land is part of a sustainable approach to development. However where these sites have significant biodiversity and geological interest of recognised local importance, the aim should be to retain and incorporate it into the site. Local authorities should not repeat this advice as a policy within the LDF, but should consider the presence of “brownfield biodiversity” when developing the evidence base for a LDD or when considering allocating sites for development and the content of criteria-based policies.

3.6 Habitats Regulations Assessments

3.6.1 The Core Strategy should include wording to explain how the plan has met the requirements of the Habitats Regulations 1994, in terms of advising how the Strategy has been assessed to ensure that it will not adversely affect any European or Ramsar wildlife sites. The following general text is suggested as a basis for developing suitable wording, which should reflect a plan or strategy-specific Habitats Regulations Assessment and its conclusions:

Suggested text:

This Core Strategy has been assessed under the provisions of the Habitats Regulations 1994, and it has been concluded that the plan would not have an adverse effect on any European or Ramsar site. The Habitats Regulations Assessment record accompanies, and should be read in conjunction with this Core Strategy when considering potential impacts on European or Ramsar sites. In the context of section 38 (6) of the Planning and Compulsory Purchase Act 2004, any development project that could have an adverse effect on the integrity of a European or Ramsar site, alone or in combination with other plans or projects, would not be in accordance with this Core Strategy. Subsequent development plan documents will also be subject to assessment and will be careful to avoid promoting or allocating development that is likely to have such effects on European or Ramsar sites.

3.7 Monitoring

3.7.1 The Core Strategy should identify a range of indicators with appropriate aspirational targets to assess the plan's performance in relation to its biodiversity objectives. It should utilise where possible monitoring indicators that are integrated with wider biodiversity and countryside monitoring within the County or UDP area. In order to meet the tests of "soundness" there must be clear mechanisms for implementation and monitoring of policy objectives/ performance in order to measure the effectiveness of the plan.

Part 4 Development Control Policies

4.1 A Development Control Policy Document

4.1.1 Whilst the Core Strategy sets out the long-term, strategic guidance for the Local Development Framework, there is also a need to provide detailed development control policies to support the overarching strategic policies. These can either be provided in a separate Development Plan Document or sometimes within the Core Strategy document itself.

4.1.2 A set of Development Control policies will guide development and provide the basis for determining development applications. The role and format of this document should reflect Government guidelines as set out in Planning Policy Statement PPS 12: Local Development Frameworks and related guidance.

4.1.3 The purpose of a Development Policies Development Plan Document (DPD) is to:

- set out the criteria against which planning applications for the development and use of land and buildings will be considered; and
- set standards for the development of sites including windfall sites i.e. land not specifically allocated for a particular use in the LDF.

4.1.4 The overall aim is to keep the number of development policies to a minimum. The policies will avoid repeating national planning policy and regional spatial strategy policies. Instead it will explain how these policies will apply locally and define clearly the circumstances in which planning permission will or will not be permitted.

4.2 Protecting biodiversity / nature conservation

4.2.1 The Development Control policies relating to biodiversity should refer to the strategic policy in the core strategy but can be more specific and detailed.

Suggested Policy wording: Protecting Biodiversity / Nature Conservation

Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation, geological or geomorphological value, together with species that are protected or under threat. Support will be given to the enhancement and increase in number of sites and habitats of nature conservation value, and in particular to meeting objectives and targets identified in the Hampshire Biodiversity Action Plan.

Sites of Special Scientific Interest (SSSIs) - Development that affects a Site of Special Scientific Interest will only be permitted where an appraisal has demonstrated:

- a) the objectives of the designated area and overall integrity of the area would not be compromised; or
- b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.

Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves (LNRs) - Development that would directly, or indirectly, adversely affect Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves (LNRs) will not

normally be allowed. Development will only be permitted where the need for the development outweighs the need to protect the site, where there are no reasonable opportunities to avoid the harm and where measures to mitigate, or if not compensate for the harm, can be put in place. Before development is permitted, measures must be in place to mitigate for any harm to the site. Where harm cannot be mitigated for, compensatory measures must be in place before development is permitted.

These designated sites are shown on the Proposals Map and may subsequently be added following adoption.

Outside the designated areas, the interests of nature conservation must be taken into account, in accordance with the guidance set out in PPS9.

The restoration or creation of habitats will be supported where these contribute to the Biodiversity Action Plan, and to the targets, priorities and enhancement proposals of the RSS.

Protected Species - Planning Permission for development likely to have a direct or indirect adverse impact upon species of principal importance for the conservation of biodiversity will only be granted if it can be demonstrated that there is an overriding need for public benefit for the development, and, where necessary, mitigation and/or compensation measures can be put in place that allows the status of the species to be maintained or enhanced

Explanatory Text

The District contains a wide variety of life including individual species and the habitats which support them. Within the District some areas have been designated as being of particular importance for biodiversity or geology. These sites are shown on the Proposals Map. They include internationally important sites such as Special Protection Areas, nationally important Sites of Special Scientific Interest and more local sites such as Sites of Nature Conservation Importance. In addition to these protected sites, the District is home to several species that are protected by law, including bats, barn owls and great crested newts. Applicants should refer to the Wildlife and Countryside Act (1981) (as amended) for further information on this matter.

The Council will seek to ensure that development does not cause a net loss of biodiversity, and will in particular resist proposals that will harm protected sites and species. Where there are proposals that would affect a protected site the level of designation (i.e. international, national) will be taken into account when determining the proposal. In order to determine a planning application the Council will expect to be provided with sufficient information to assess the effects of development on protected sites, species and biodiversity or geology together with any proposed prevention, mitigation, or compensation measures.

All development proposals should seek to enhance biodiversity through a range of measures, including enhancements for protected species either on or off the site, buffer strips around sites and vulnerable (e.g. aquatic) habitats, maintenance, reinstatement and enhancement of wildlife corridors. When considering biodiversity enhancements, applicants should pay attention for the potential to enhance the priority habitats and species identified in the Hampshire Biodiversity Action Plan.

4.3 Features of nature conservation importance

4.3.1 There are a number of habitats and features outside of designated sites that make a significant contribution to local biodiversity. It is therefore appropriate to include a policy to cover the wider countryside within the Development Control policies.

Suggested Policy wording: Features of Nature Conservation Importance

Planning permission will not be granted for development likely to have a direct or indirect adverse impact upon features of nature conservation importance, unless it can be demonstrated that the justification for the development outweighs their importance for nature conservation or amenity value.

Where any such features are lost as part of a development proposal, the Council will impose conditions or seek to negotiate a Section 106 Obligation to replace those that are lost. Appropriate management of these features will be encouraged generally and particularly by the imposition of planning conditions and by entering management agreements with landowners where appropriate.

Such features include:

- Hedgerows and field walls
- Trees, woodlands, plantations and shelter belts;
- River and canal corridors;
- Wetlands, ponds and reservoirs; and
- Other locally important habitats.

Important trees and woodlands may be given specific protection through the designation of Tree Preservation Orders. Permission will be needed to fell or undertake any work on these trees. Where replacement planting is required, issues such as biodiversity will be taken into account. Replanting with native species will be encouraged to allow ecological networks to remain functional and to prevent the isolation of trees and woodlands within the landscape. Conservation area legislation also gives some protection to trees and woodlands. The Hedgerow Regulations 1997 protects important hedgerows of historical and ecological importance.

Explanatory Text:

Throughout the District there are many local nature conservation interests that it is important to preserve but which do not merit any form of special designation. Examples may include remnant ancient woodlands, wildlife corridors, river banks, ponds, wetlands, habitats of particular significance and common land. These may be of importance to local communities, or form important corridors or links between designated sites. The EC Habitats Directive requires member states to encourage the management of such features where they are of major importance for wildlife

The District Council will seek both to protect and enhance nature conservation interests, primarily by guiding development away from important nature conservation areas. Planning applications affecting features of importance for nature conservation will not be determined until the site and impact of the development is properly evaluated. Where the

District Council considers that development proposals are justified but may result in damage to important nature conservation interests, it will ensure that this is minimised by use, where appropriate, of either planning conditions or by securing a planning obligation to protect and enhance remaining features. In exceptional circumstances provision may be required to re-establish elements of the area affected in another locality under the control of the developer.

4.4 Coastal areas

4.4.1 A number of Hampshire's local authorities have a coastal fringe, and therefore policies should cover the biodiversity of coastal areas. Hampshire's coast has a special character created by the variety and complexity of development and uses and some of Europe's most important natural habitats. Most of the coast, even in the built-up areas, has some nature conservation significance. Intertidal areas are of particular habitat value. Wording for the biodiversity component of a wider policy is suggested as follows:

Suggested Policy: Development within the Coastal Zone (part of a wider Coastal policy)

Development proposals within the coastal zone, as defined on the Proposals Map, will be permitted provided that:

- i. they do not cause harm to nature conservation and geological interests nor prevent their migration in response to coastal processes
- ii. they maintain natural processes e.g. erosion, deposition, dune creation etc.
- iii. they identify opportunities for biodiversity enhancements

Explanatory Text: The Council has identified a coastal zone in accordance with Planning Policy Guidance 20: Coastal planning.

The undeveloped coastline has particular visual, recreational and ecological importance. It can also have a role in providing natural sea defences. Over time the length of the natural shoreline has been significantly reduced through urbanisation, reclamation and the construction of sea defence schemes. In many areas this has destroyed the natural transition between land and sea. It is therefore essential to protect the existing undeveloped shorelines from inappropriate development.

4.5 Geological conservation

4.5.1 A separate policy could be included on geological conservation if this is relevant to a particular local authority. The main designation for the protection of geological/geomorphological sites is Regionally Important Geological Sites (RIGS). Currently, no RIGS have been identified in Hampshire. However, if this situation changes, the following wording is suggested:

Regionally Important Geological/Geomorphological Site (RIGs)

Development and land use change likely to have a significant adverse effect on a Regionally Important Geological/Geomorphological Site (RIGS), will not be approved unless it can be clearly demonstrated that:

- a) the reasons for the proposal clearly outweigh the need to safeguard the intrinsic geological value of the site or feature; and
- b) the Local Planning Authority is satisfied that there are no reasonable alternative sites or solutions to accommodate the development proposed.

In all cases where development or land use change is permitted which would damage the geological value of the site or feature, such damage will be kept to a minimum. Where appropriate, the authority will consider the use of conditions and/or planning obligations to provide appropriate compensatory measures.

Explanatory Text

RIGS are geological or geomorphological sites that are considered worthy of protection for their educational, scientific, historic or landscape importance. They are selected at a local level by a group of representatives of local groups and bodies with skills and expertise in geology, geomorphology and conservation.

Once a site is identified by a RIGS Group the survey and assessment details will be considered by the Authority following wide consultation with interested parties, before this policy is used for development control purposes in relation to individual sites.

In view of the value of RIGS, proposals that would damage an identified site will only be permitted where it can be demonstrated that the reasons for the development outweigh the importance of the site and that no alternative site or method of undertaking a proposal exists.

4.6 Biodiversity enhancement by design

4.6.1 In addition the Development Control Policies should contain a specific policy on the design of development that would incorporate biodiversity. This would most likely to be contained within a wider policy on Design principles.

Suggested Policy: Enhancement of Biodiversity through design (part of wider Design Principles policy)

The opportunities for enhancing, the biodiversity of the district will be considered in all development control decisions. Development should promote the enhancement, restoration and, where appropriate, re-creation of the natural environment through its design.

Planning permission will be granted for development that has been designed to conform to the following criteria:

- **The development should be designed to retain important existing natural and biodiversity features and provide for the addition or enhancement of such features.**

Explanatory Text

Although new development should avoid building on or damaging important sites or populations of species as a first principle, biodiversity can be incorporated into development through wildlife friendly landscaping, installation of sustainable urban drainage schemes (SUDS), and features such as green roofs and nesting and roosting spaces.

Designing for biodiversity can also help to address wider environmental and sustainability issues and involve the incorporation of renewable energy and energy and water saving measures into the design of a building.

4.7 Planning obligations for biodiversity benefit

4.7.1 Development Control policies may also include a policy on the use of planning obligations. The use of planning obligations can deliver a number of positive benefits to biodiversity beyond those of simply avoiding adverse effects. It is possible to require certain types of positive action, for example habitat enhancement where an obligation would secure ongoing management. Establishing such generic policy in this part of the LDF could then be developed further as SPD to clarify what level of contributions or aftercare developers will be expected to deliver in this respect. Southampton City for example, intends to follow this option.

Suggested Policy: Use of Planning Obligations

Where proposals generate an identified need for additional or improved physical, social, environmental and community infrastructure, in order to make the proposal acceptable in planning terms, appropriate mitigation will be sought through the use of either planning conditions or a legal agreement. Planning permission may be refused for development that fails to provide the necessary mitigation. Where appropriate other community benefits related to the development will be sought.

Explanatory Text

In some cases new development will generate a need for physical, social, community or environmental infrastructure that it necessary to make the development acceptable. This may include the requirement either to improve existing infrastructure or to provide for new infrastructure. Where this is the case the Council will expect mitigation to be provided, through the use of a planning condition or completion of a legal agreement that requires its provision as part of the development or through a financial contribution.

Part 5 Site Specific Allocations DPD

5.1 Biodiversity inclusion in site specific allocations documents

5.1.1 A Site Specific allocations DPD sets out where land is allocated for specific uses, normally housing, employment and commercial uses. Policies relating to the delivery of the site specific allocations should be included such as access and design requirements. Specific ways of protecting or enhancing biodiversity assets associated with, or potentially affected by the development should also be included where appropriate. These should ensure that the “key principles” expressed in PPS9 have been applied to site selection and also to the form, type and scale of development allocated to each specific site. For example in a housing site allocation, wording for the biodiversity component of a wider policy is suggested as follows:

Suggested Policy: Residential Development (part of a wider policy on residential development)

Land at X site is allocated for residential development.

In addition to general policy requirements, and contributions to necessary infrastructure provision, development will be expected to deliver (all or a number of) the following:

- a) the retention and enhancement of boundary trees and hedgerows and safeguarding of all protected tree on the site;**
- b) relevant ecological surveys to be carried out and appropriate enhancement and mitigation measures to be taken;**

5.1.2 In addition to allocating land for development, a site Specific Allocation DPD could be used to meet PPS9 requirements by identifying specific areas for the restoration and enhancement of biodiversity or geological conservation identified in the Core Strategy.

5.2 Locally and regionally protected sites

5.2.1 Locally and regionally protected sites should be identified within Site Specific Allocations DPDs (where they are in, or in the vicinity of selected sites) so that they appear on the adopted proposals map.

Part 6 Area Action Plans

6.1 Area specific biodiversity enhancement

6.1.1 Area action plans can be used to provide the planning framework for areas where significant change or conservation is needed, such as the regeneration of town centre or redevelopment of a particular area. Within Hampshire for example, East Hampshire District Council intends to carry out an Area Action Plan for disused MoD sites in the Bordon area, while New Forest District Council is to prepare an Area Action Plan for Totton town centre. These plans can be opportunities to establish conservation and enhancement objectives for such areas and define how these may be reconciled with extensive or conservation focussed development.

6.1.2 There are as yet very few Area Action Plans emerging at this stage of LDF transfer. Also because these DPDs are intended to provide details for individual sites it is difficult to recommend a general approach to policy wording. There are likely to be opportunities to make a positive input into these plans by ensuring that biodiversity interest is protected and enhanced where possible. Area Action Plans could be used to identify areas that are particularly sensitive to change or development, such as in the example below. This could also include the identification of key areas where biodiversity gains are to be sought, and also areas that contain biodiversity that could be particularly sensitive to the impacts of climate change. Area Action Plans should establish those features that are to be maintained, safeguarded and appropriately managed; and the specific biodiversity and geological gains which are sought, with these quantified and related to the conservation objectives/ targets set out through the Core Strategy.

Suggested Policy: Areas for Concentrated Biodiversity Enhancement

Within the area X schemes and broader initiatives that will contribute to the biodiversity objectives and targets for the areas will be promoted.

Where development is proposed that is consistent with the other policies of the Local Development Framework, development shall make an appropriate contribution to the objectives for the area, particularly to the priorities identified below, either through design or through a financial contribution secured through planning condition or S106 Obligations.

Priorities within these areas will be:

- a) To restore and re-create locally characteristic habitats, particularly those that would contribute to the targets of the Hampshire Biodiversity Action Plan
- b) To expand and link isolated habitat units with favourable habitat restoration and creation
- c) To buffer habitat units from adverse impacts for example by suitable habitat creation that offers protection to existing habitats
- d) To promote social and economic benefits by investing in linked facilities for sustainable access, enjoyment and education and in businesses that contribute to and capitalise on a high quality natural environment.
- e) To support existing biodiversity enhancement projects.

Appendix 1

Sources of information used to develop the guidance

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