

SUPPLEMENTARY PLANNING
DOCUMENT

Biodiversity



February 2020



Nottingham
City Council

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1. Foreword



Nottingham City has a diverse range of natural environment assets, including Local Nature Reserves, Sites of Special Scientific Interest and river corridors, and is home to a vast variety of plants, trees and animals. Having such an important biodiversity network not only provides accessible space for citizens to enjoy and encourages involvement, but also safeguards species and habitats and builds resilience against climate change and outside pressures. The Council Plan sets a number of targets which this Supplementary Planning Document will help to achieve. These include ensuring that all planning and development decisions take account of environmental and sustainability considerations and ensure Nottingham becomes a ‘bee friendly’ city with suitable habitats in every neighbourhood. It also pledges to plant at least 10,000 trees across the city. Well designed and high quality open space will also contribute to reducing and offsetting carbon emissions, helping Nottingham meet its pledge to become the first carbon neutral city in the country by 2028, and it can also promote physical activity and active travel, thereby improving the health outcomes of our citizens.

A handwritten signature in black ink that reads "Linda Woodings".

Councillor Linda Woodings
Portfolio Holder for Planning, Housing
and Heritage

A handwritten signature in black ink that reads "Sally Longford".

Councillor Sally Longford
Deputy Leader
Portfolio Holder for Energy,
Environment and Democratic Services

2. Purpose and status of the document

- 2.1 This Supplementary Planning Document (SPD), “Biodiversity” is being prepared to explain the implications of Core Strategy Policy 17: Biodiversity, and Local Plan Part 2 (Nottingham City Land and Planning Policies Development Plan Document, LAPP) Policy EN6 – Biodiversity.



3. Introduction

- 3.1** The aim of this SPD is to ensure that development in Nottingham City not only avoids loss, but realises an ambition for a net gain, of biodiversity. It explains when an ecological assessment is required to support a planning application in order to ensure a minimum standard is met in terms of biodiversity protection and enhancement and sets out a consistent approach that developers will be expected to follow to allow protection and enhancement measures to be proportional to the type and scale of development.
- 3.2** Biodiversity is defined in the Local Plan as ‘the range of life forms which constitute the living world, from microscopic organisms to the largest tree or animal and the habitat and ecosystem in which they live’.
- 3.3** Biodiversity is the variety of life on Earth. It includes rare and common species of plants and animals and the diverse habitats that support them. It is not confined to attractive landscapes or protected nature reserves, and is an essential component of the rural and urban areas in which we live and work. The benefits of a rich biodiversity and having access for people to experience it are wide and far reaching. Experiencing nature can relieve stress and improve mental and physical health, it can bring communities together and reduce anti-social behaviour. The natural processes of healthy ecosystems clean the air and water, control flooding and produce the soils on which we all ultimately depend, and high quality natural environments can improve economic prosperity. Biodiversity has intrinsic value and having access to nature in a city provides an important connection for residents without the need to travel. Increasing biodiversity will also contribute to reducing carbon to help make Nottingham a carbon neutral city.
- 3.4** Biodiversity occurs all around, often including sites proposed for development and re-development as well as neighbouring nature reserves, parks and other open spaces. Consideration of biodiversity is therefore a key aspect of sustainable development, and projects, plans, policies, and decisions made today will impact on the quality, diversity and abundance of habitats and species available for the needs and enjoyment of future generations.

3. Introduction

3.5 The SPD will guide those submitting planning applications on how to take account of biodiversity on their sites. This will involve consideration of:

- the impact of a scheme,
- the legislative and policy protection for any existing biodiversity,
- how to avoid, mitigate, or as a last resort, compensate for adverse impacts,
- the necessary measures required to enhance biodiversity.

3.6 It is recognised that, especially in an urban environment, there are severe pressures from competing land uses. It is therefore essential that developers think creatively and make habitat protection and creation a priority early on in the design process in order to embrace opportunities to integrate biodiversity into their scheme.

The Natural Environment and Rural Communities (NERC) Act 2006 sets out a biodiversity duty that ‘every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.’ The policies within the LAPP and evidence that underpins the approach to biodiversity discharge the Council’s responsibility under this Act.



Hedgehogs

4. Planning Policy Context

National Planning Policy Framework

- 4.1 This SPD accords with the National Planning Policy Framework (NPPF 2019 paras 170, and 171 and 175) which states:

Para 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Para 171 states that plans should distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

Para 175 states that when determining planning applications, local planning authorities should apply the following principles

- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Local Policy Context

Local Plan Part 1 - Nottingham City Aligned Core Strategy (adopted 2014)

- 4.2 The Core Strategy includes a suite of strategic policies to deliver sustainable development in the City to 2028. The policy most relevant to the topic of biodiversity is Policy 17: Biodiversity. It seeks to: protect, restore, expand and enhance existing areas of biodiversity interest, avoid the fragmentation of the Green Infrastructure network and secure new biodiversity features in new development.

Local Plan Part 2 - Nottingham City Land and Planning Policies Development Plan Document (LAPP), (adopted 2019)

- 4.3 This SPD primarily seeks to expand on LAPP Policy EN6: Biodiversity. However, other policies such as Policy EN5: Development Adjacent to Waterways and Policy EN7: Trees are also relevant to biodiversity as are aspects of other policies that will help to realise the aspiration for a net gain in biodiversity. The full wording of LAPP Policy EN6: Biodiversity is provided in Appendix 1 for reference.
- 4.4 This SPD includes and updates the 'Biodiversity Checklist' referred to in the LAPP Policy EN6.

Where development is likely to impact upon protected species or Nationally or Internationally designated sites Natural England's Standing Advice and any further consultation response is a statutory consideration and is to be considered alongside this SPD. Natural England's Standing Advice for protected sites can be found at:

<https://www.gov.uk/guidance/protected-sites-and-areas-how-to-review-planning-applications>

and species at:

<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

Further information about the legal and policy protection afforded to species, sites and habitats is provided in Appendix 1 - Biodiversity Legal and Policy Protection provides further information on the legal/policy context.

Further information about the sites and habitats present in Nottingham is provided in Appendix 2 - Nottingham City's Open Spaces and Important Habitats.

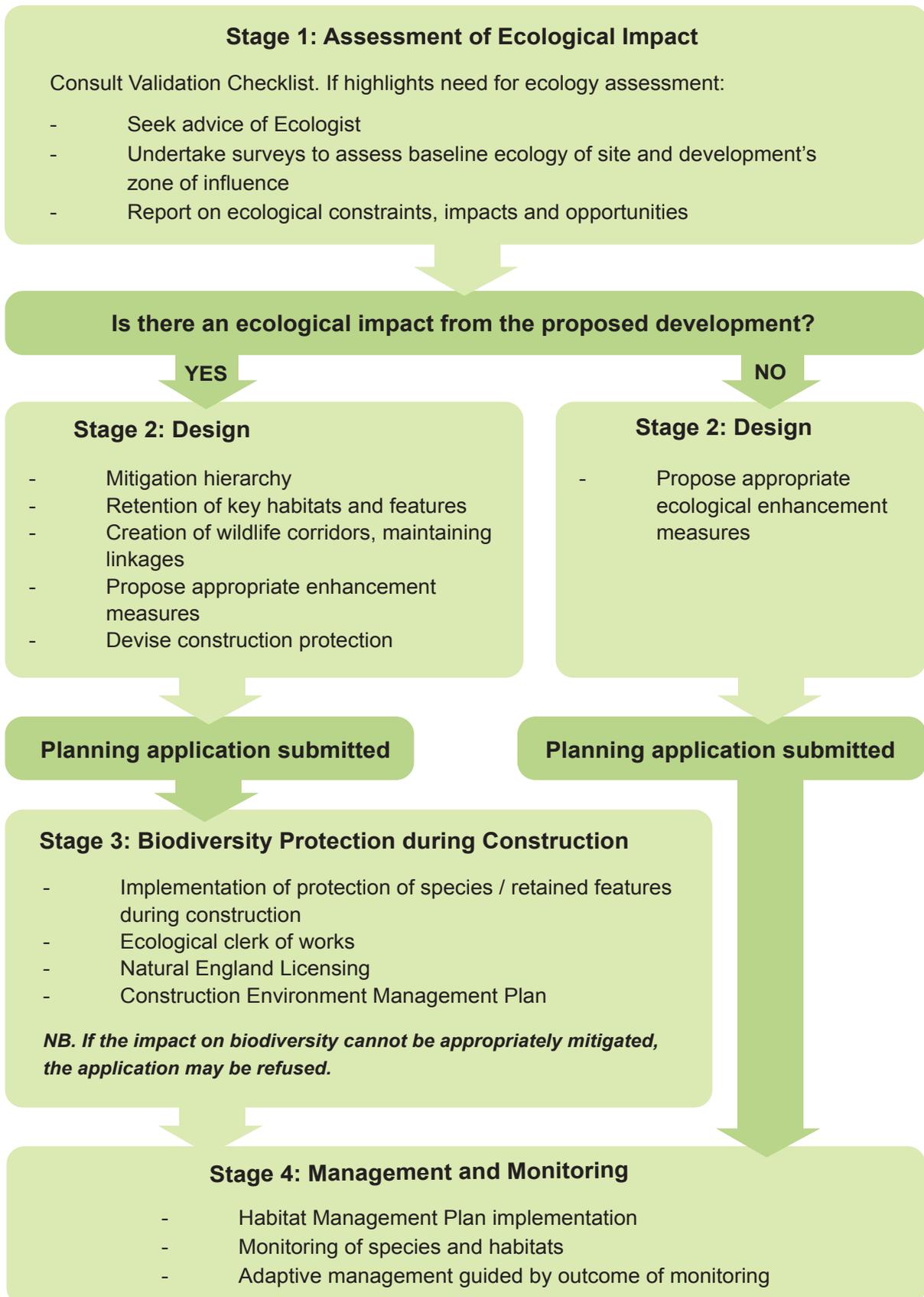
5. Biodiversity and Development

5.1 For the purposes of this SPD, consideration of biodiversity (or ecology or wildlife as it is often termed) in the planning process has been broken down into four stages, with each stage having its own processes and work flows. Depending on the nature of the proposed development each of these stages may be more or less involved, for example Stage 3 is not always relevant. It is the responsibility of the applicant and their advisors to ensure that each stage is adequately addressed.



Wildflower meadows can add an attractive features to a landscaping scheme and provide valuable resources for pollinating insects

5. Biodiversity and Development



5. Biodiversity and Development

Stage 1: Assessment of Ecological Impact

- Check the list provided in Section 6 for when an ecology assessment is required (the Validation Checklist) to establish if an ecology assessment is required. An ecology assessment is unlikely to be required for very small sites that do not support vegetation, where buildings or other structures are not present, and are significantly isolated from areas of open space or linear habitats. If an ecology assessment is required to support the application, it is recommended that the advice of an Ecologist is sought.
- Ecological surveys - the study of habitats and species within the development site or otherwise affected by the proposals, and designated sites within or in proximity to the development site should assess the site's existing ecology and whether there are likely to be impacts from the proposals onsite or within a wider zone of influence of the development.

This baseline assessment of the site should also identify what opportunities there are for ecological enhancement and how to achieve a net gain in biodiversity as a result of the development. All developments must provide net gain for biodiversity.

Ecology Surveys:

5.2 An ecological survey is usually initially comprises an extended Phase 1 habitat survey or Preliminary Ecological Assessment to look at what is present onsite and assess scope for presence of protected species. This may then need to be followed by further more detailed Phase 2, or species-specific surveys. For sites and developments that lack open space or vegetation and where only buildings or structures are affected by proposals, it may be more appropriate only to conduct assessments for suitability to support roosting bats and nesting birds for example.

5.3 For many applications it will be appropriate to conduct a desk study exercise to gather baseline information for the site and surrounding area to support field-based surveys. When conducting desk study assessments Nottinghamshire Biological and Geological Records Centre should be consulted (NBGRC@nottinghamcity.gov.uk). A desk study assessment is required for all but householder applications or those involving demolition of single properties.

5. Biodiversity and Development

- 5.4** It is the responsibility of the applicant to ensure that there is adequate consideration of biodiversity prior to acquiring land for development purposes, procuring designs or submitting a planning application.
- 5.5** Surveys are seasonally constrained and must be carried out by suitably qualified professionals and therefore should be considered as early as possible in the planning application process to reduce the risk of delays. The Chartered Institute of Ecology and Environment Management CIEEM has a professional directory:
(<http://events.cieem.net/ProfessionalDirectory/Professional-Directory.aspx>)

Survey Reporting:

- 5.6** Reporting on ecological surveys submitted in support of planning applications should be produced by qualified professional ecologists, be clear and bespoke to the survey and site and give details of any limitations to the survey(s). Any deviations in methodology from published industry standard guidelines should always be justified. Although not a statutory or policy requirement for Nottingham City Council planning submissions, British Standard BS42020 provides comprehensive and detailed guidance on appropriate survey reporting and use of appropriately qualified individuals and can be consulted for a useful guide.
- 5.7** Surveys and reporting should be as up to date as possible as the conditions of a site and the presence or otherwise of protected or notable species can easily change over time. Ideally surveys should be from the most recent survey season, although data up to a year or two years old may be acceptable if conditions of the site have not changed over time and this has been recently verified by an Ecologist.
- 5.8** The survey and assessment will form the basis of recommendations on how impacts can be avoided, or if that will not be possible, how they can be adequately mitigated, or as a last resort, how they can be compensated for as part of the development proposals (this hierarchical approach is known as the 'mitigation hierarchy'). Should this not be possible, the development may be refused.
- 5.9** An Ecology Survey timetable is provided in Appendix 4 to give further guidance on the appropriate time to undertake surveys.

5. Biodiversity and Development

Stage 2: Design

- The ecological survey information should be used to guide the design and layout of the development which seeks to avoid, minimise or compensate for any adverse impacts
- Design should seek to incorporate key habitats and features of ecological importance
- Existing wildlife corridors should be retained and/or new linkages through the site should be created and integrated into the proposals
- All development should incorporate opportunities for enhancement of biodiversity, ensuring net gain, that are appropriate to the site and meet the minimum requirements set out in Section 7 of this SPD.
- The long-term delivery of enhancement should be considered at the design stage, with provision for a management and monitoring plan that specifies maintenance requirements, any legal provisions or financial arrangements.

Mitigation Hierarchy:

- 5.10** The development design should allow for the 'mitigation hierarchy' to be effected, such as by retaining existing habitats, allowing for the necessary timing and appropriate measures to protect species and habitats from adverse impacts of development, locating public open space provision to incorporate and buffer retained habitats and features and linking to existing or creating green corridors.
- 5.11** Where retention of existing habitats or avoidance of adverse impacts is not possible, or would not protect the biodiversity interest of the site, as a last resort, compensation via replacement planting and habitat creation will be required onsite.
- 5.12** Where onsite habitat creation is not feasible, in some rare instances it may be that compensatory habitat creation or a commuted sum for creation and maintenance offsite is appropriate. There must be sound justification for offsite measures, especially where onsite measures would have the potential to maintain or improve green corridors or connective links.

5. Biodiversity and Development

5.13 'Biodiversity offsetting' is a term for calculating and measuring biodiversity losses and gains that allows for both onsite and offsite compensation measures to be assessed in a standardised way. In 2019, Natural England published 'The Biodiversity Metric 2.0' for auditing and accounting for biodiversity and is the successor to the biodiversity metric published by Defra in 2012. It is still an emerging method of measuring the residual impact of a scheme and does not take into account impacts to protected sites or species. It may become a National standard for calculating whether developments have adequately resulted in 'net gain' in biodiversity. Biodiversity offsetting has, as yet, not been adopted in Nottingham City, however it remains a useful tool for assessing whether a scheme has included adequate habitat creation measures to compensate for onsite losses and can be a useful tool for demonstrating this

Wildlife Corridors:

5.14 Maintaining and creating linkages through the site and to offsite habitats should be considered in the design of any proposed buildings, infrastructure and soft landscaping, such as tree planting. This may be via the retention of existing habitat areas or key linkages, or the location, layout and species and habitat choices for soft landscaping and open spaces within new developments

5.15 All fencing created in residential schemes, except those where boundaries lead onto major roads or other hazards, will be expected to be permeable to hedgehog, with gaps at the base or in the corners to allow passage through the area.

5.16 Inclusion of hedgerows as boundary features is encouraged as they provide boundaries that are naturally permeable to wildlife as well as providing habitat and foraging resources for birds. Where possible native species should be used as these support greater numbers of invertebrates and native wildlife.

Ecological Enhancement:

5.17 Requirements and opportunities for ecological enhancements are considered in more detail in Section 7 of this SPD, with further examples in Appendix 3. They should be proportional to the scale of development and appropriate to the local area and, where possible, informed by baseline survey information.

5. Biodiversity and Development

- 5.18** If Sustainable Drainage Systems (SuDs) are to be incorporated and can be designed with biodiversity in mind this may require early design considerations as it is likely to affect the size of the area required for these features and the types of features that are created. The difference between making a feature that is of benefit to biodiversity may be a simple adjustment in design, such as an attenuation basin that has a permanently or frequently wet area factored into its capacity as opposed to being designed to drain down fully after a storm event. Guidance is available on creation of SuDS of benefit to biodiversity at <https://www.rspb.org.uk/globalassets/downloads/documents/positions/planning/sustainable-drainage-systems.pdf>
- 5.19** In many cases it will be the soft landscaping proposals and subsequent management of these features where gains for biodiversity can be realised. If detailed landscaping plans are to be conditioned, overall concepts and parameters will be agreed initially and incorporated into the condition (for example; use of native species, extent of buffer zones, location, function and accessibility of open space).
- 5.20** Any soft landscaping schemes, whether upgrading or existing, new or existing habitats, should be safeguarded from future development and appropriately managed and maintained via an Ecological Management Plan.



SuDS designed with biodiversity in mind, with a permanent water body within a wider attenuation basin

5. Biodiversity and Development

Stage 3: Construction

- Protected and notable species and retained habitats will require protection from adverse impacts (where necessary before), during construction works such as pollution, traffic, accidental damage or destruction
- It may be appropriate to appoint an Ecologist to supervise some works, check habitats prior to removal or generally assist in the design or implementation of site-specific protection measures
- Where there will be significant adverse impacts to legally protected species (e.g. bats, water vole, otter, badger, great crested newts) a derogation licence(s) from Natural England may be required
- Protection and good practice measures may form part of a site-wide strategy for environmental protection (e.g. a Construction Environment Management Plan)

Protection of Species/Habitats:

- 5.21** In line with the recommendations of the initial ecological assessment and in order to implement development proposals designed to allow for habitat protection, retained habitat areas and protected sites and species should be protected from adverse impacts during construction. Impacts may include, for example, disturbance from noise, light and vibration, damage from air or water borne pollution, accidental damage or destruction etc.
- 5.22** Protection of retained habitats and protected and notable fauna during site clearance and construction works may require an Ecological Clerk of Works to be present on the site, and/or the preparation and implementation of a guiding document that sets out the various protection and avoidance measures necessary, such as a Construction Environment Management Plan. This document may also be required to address other wider environmental considerations as well as ecology, such as noise, pollution, traffic, sustainability of materials and construction techniques etc.

5. Biodiversity and Development

Licensing:

5.23 Prior to site clearance or construction it is essential that the applicant/ developer has taken account of any protected species licensing that may be required, such as for works that will affect species such as badger, bats, great crested newts, water voles, and otter. The project Ecologist will be able to guide the applicant/developer through the specifics of licensing, but it is advisable to check the provisions of the licence thoroughly before commencement of works, so as to avoid the risk of a breach to the conditions of such a licence through any unforeseen changes to project personnel, timing or specifics. If following appropriate survey work and licensing processes, protected species are unexpectedly found during development, works should stop immediately and an Ecologist consulted.



A green wall providing habitat for wildlife in a highly urban environment and maximising the space available for habitat creation

Construction Environment Management Plan:

5.24 Preparation, submission and Local Planning Authority (LPA) approval of a Construction Environment Management Plan document and a detailed mitigation strategy that may be required to support a licence application may, in some circumstances, be a condition of planning permission. Along with pre-determination discussions, this will allow the LPA to further assess the level of risk to habitats/species and ensure that appropriate control and monitoring measures will be in place, helping to discharge the duty to protect biodiversity. However, where it is not a planning requirement, it is best practice for all developments to work to some kind of environment plan and work safely to avoid risk of harm to species and the environment.

5. Biodiversity and Development

Stage 4: Management and Monitoring

- To ensure that retained and newly created habitats serve the purpose for which they were intended, mitigate impacts as necessary, and maximise their ecological value, management will be required and may be guided by a Management Plan
- Monitoring the effectiveness of management measures and monitoring impacts on protected and notable species will help to guide whether changes in management practices are necessary and whether mitigation and enhancement measures have been effective



Otter

Habitat Management:

- 5.25** Appropriate management of retained and created habitats and incorporated features will be required so as to maximise ecological value and longevity and ensure that the mitigation, compensation and enhancement devised and designed in stages 1 and 2 remains appropriate and effective for the purpose in which it was intended.
- 5.26** Management should be directed under a site or project-bespoke Habitat Management Plan, which clearly sets out the aims and objectives for management, demonstrates who will be responsible for implementing it, including any funding required, and gives details of management prescriptions for operatives to follow. It should set out what monitoring and feedback mechanisms are in place to ensure that management remains appropriate and effective throughout the plan's period, so that any necessary adjustments can be made as habitats develop, or remain as intended, ensuring that management is adapted and ecological value is maximised.

5. Biodiversity and Development

Monitoring:

5.27 There may be a requirement via a condition of the planning permission for evidence of implementation of a management plan, any remedial actions for ineffectual management or for creation/installation of specific features such as photographs of bat and bird boxes onsite. This may take the form of a letter from the project Ecologist to confirm that mitigation/enhancement measures have been implemented and verify the ongoing results of monitoring surveys and remedial actions and revisions of management plans.

5.28 It should be noted that the majority of Natural England derogation licences will have monitoring requirements, for example for population monitoring or proof of mitigation implementation. The Ecologist assisting with the licence will be able to advise on this on a case by case basis, and monitoring requirements are generally proportional to the level of risk or impact of the initial works.



A simple close-mown pathway through rough grassland can open up opportunities for people to use and explore semi-natural habitats

6. When Ecology Assessment is required to support a Planning Application (Validation checklist)

If the application site or development type falls into any of the below categories, then ecology survey and assessment are required, unless otherwise agreed during a pre-app process:

- All major developments¹
- All developments within, or within 100m of, SSSI, unless otherwise agreed prior to an application.
- All developments within, or within 50m of, a Local Wildlife Site (LWS; formerly known as SINCs), Local Nature Reserve or Ancient Woodland.
- Householder or minor applications that involve demolition or any works affecting the roof, cavity walls, weather boarding, hanging tiles or other suitable bat roosting features of a building that is located adjacent or within 50m of the Open Space Network², or linear corridor such as habitat along a railway or a water course will require an assessment for roosting bats.
- Minor applications and demolitions that involve removal of or will otherwise affect native species hedgerows over 50m in length, multiple large trees, water courses, water bodies, areas of scrub/overgrown land or grassland of 50m² or more, or habitat listed as being of Principal Importance for Nature Conservation under section 41 of the Natural Environment and Rural Communities Act (NERC 2006), or Priority Habitats under the Nottinghamshire Biodiversity Action Plan.
- Minor applications or demolitions that are located within Open Space Network.
- Development affecting agricultural buildings constructed of brick or stone, or affecting bridges, or underground structures.
- Floodlighting within 50m of wetland habitat, or Open Space Network.
- Development that may otherwise affect protected species, Species of Principal Importance for Nature Conservation under section 41 of the Natural Environment and Rural Communities Act (NERC 2006), or Priority Species under Nottinghamshire Biodiversity Action Plan.
- Where highlighted as a requirement in written pre-application advice.

6. When Ecology Assessment is required to support a Planning Application (Validation checklist)

Protected, Priority and otherwise notable species may be present on both green and brownfield sites; especially those sites with a mix of different habitats, that have some connectivity to the wider landscape, or those adjacent to linear habitats such as watercourses and railway lines, those with buildings or other structures, and abandoned or derelict sites that have been left to colonise by plants naturally.

An ecology assessment may not be required for very small sites that do not support vegetation, where buildings or other structures are not present, and are isolated from areas of open space or linear habitats. If uncertain, seek advice from Development Management or City Council's Biodiversity Officer.



Dingy Skipper

Footnotes

¹ Those development sites where there are no buildings or vegetation present, no adjacent habitat features, or adjacent linear features such as water courses or railway lines, and no potential for offsite impacts it may be possible to submit an ecological enhancement strategy instead of a full ecological survey of the site pre-development

² As the OSN includes a wide range of open spaces, some of which would not be of particular ecological value or provide foraging opportunities for bats, this excludes amenity and Children and Young People typologies (e.g. road verges and play areas), and also excludes other OSN sites of less than 0.5ha.

7 Ecological Enhancement Obligations

- 7.1** All development **MUST** include any mitigation, compensation and site-specific enhancement measures that are required in order to meet legislative protection, mitigation and compensation strategies and licensing as informed by the necessary ecological surveys.
- 7.2** The following provides a minimum standard approach for additional ecological enhancement measures. These are, subject to site/development specific characteristics, required to ensure that all development provides some biodiversity benefits and contributes in a proportional manner to the protection and betterment of biodiversity in Nottingham City for the benefit of wildlife and people.
- 7.3** Providing onsite open space will not only help to meet the requirements of this SPD, but may also assist with meeting the requirements of the Open Space SPD and the two should be considered together.

All developments of 1 or more houses, all commercial and industrial new builds:

- Use native species in landscaping and where also using ornamental species, majority of those to be of value to wildlife (e.g. avoiding highly invasive species, and including nectar and pollen, fruit and berry producing species).
- Any onsite open space or areas of planting to be located to provide connectivity for wildlife.
- Use of natural boundary treatment such as hedgerows.
- Include wildlife-friendly fencing – minimum 15cm x 15cm gaps in bottom or corner of close boarded or gravel boarded fencing to allow passage of species such as hedgehogs and amphibians at ground level between all properties and adjacent offsite areas.

Residential developments of 5 or more dwellings, THE ABOVE PLUS:

- Loss of any Local BAP or NERC Act Section 41 listed habitat (Habitat of Principal Importance) must be quantified in terms of area and quality with adequate mitigation clearly described and quantified.

7. Ecological Enhancement Requirements

- Minimum of 20% (1 in 5) of units to have roosting/nesting features for bats and birds integrated into the built structure of the buildings, using bespoke boxes or design features. (To be suitable for a range of different species including those that are often found nesting in urban environments such as swift, house martin, starling). Not to be uniformly spread through the development, but located to take advantage of key areas of open space and connecting wider environment (specialist ecological advice may be required).
- SuDS solutions to be designed to provide wildlife habitat as well as serving an attenuation function. Ideally open water, aquatic habitat created, although in some circumstances largely dry features managed to provide rough grassland and damp meadow habitat may be acceptable).

Commercial, Industrial or other developments (over 1000m² floor area or more than 1ha)

- Loss of any Local BAP or NERC Act Section 41 listed habitat (Habitat of Principal Importance) must be quantified in terms of area and quality with adequate mitigation clearly described and quantified.
- Green or brown roof (intensive or extensive roof types), or biodiverse green walls designed into the structure of the building to provide habitat for invertebrates and birds, ideally occupying at least 25% of the building.
- Where SuDS solutions are to be utilised, they should be designed to provide wildlife habitat as well as serving an attenuation function. Ideally open water, aquatic habitat created, (although in some circumstances largely dry features managed to provide rough grassland and damp meadow habitat may be acceptable).
- Where structure and location would be suitable, nesting opportunities for peregrine falcon and kestrel are to be provided on new structures and buildings (minimum elevation 5m from the ground and, for kestrel especially, located close to linear corridors and open spaces suitable for foraging).

General Advice

Developers and applicants are advised to consult the Development Management Team prior to submitting planning applications for any new residential or commercial development.

Development Management on
(0115) 876 4447 or
planning@nottinghamcity.gov.uk

This SPD will be monitored annually and updated as appropriate. Any new government legislation/guidance will supplement the information contained in this SPD.

Documents to reference:

- CIRIA document 753, SuDS Manual Chapter 6 “Designing for Biodiversity”
- Town and Country Planning Association, The Wildlife Trusts (2012) “Planning for a healthy environment - good practice guidance for green infrastructure and biodiversity”
<http://www.wildlifetrusts.org/planning>



Appendix 1 Biodiversity Legal and Policy Protection

There are legislative and policy mechanisms in place to help to protect key species, habitats and biodiversity overall.

The main pieces of such legislation include: The Habitats and Species Regulations 2017, The Wildlife and Countryside Act 1981 (as amended), The Countryside and Rights of Way Act 2000 (CROW Act), The Natural Environment and Rural Communities Act 2006 (NERC Act), Hedgerow Regulations 1997 and Protection of Badgers Act 1992.

It should be noted that Permitted Development, where there is no requirement to go through a formal planning permission procedure will still be expected to assess potential for adverse impacts and avoid harm to protected sites and species. The legislation that is in place to protect certain species, habitats and designated sites does not only apply to those works, actions or projects requiring planning permission.

The NERC Act has important role to play in biodiversity protection by placing a duty (often termed the 'Biodiversity Duty') on all public authorities in that *'all public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.'*

Consideration of biodiversity and the effect that planning applications have on species and habitats is therefore important for Local Planning Authorities, including Nottingham City Council, in addressing this duty.

The NERC Act as well as these national and local policy documents also afford some level of protection to certain species and habitats listed under Section 41 of the Act, which are termed Habitats and Species of Principal Importance to the Conservation of Biodiversity in England, many of which were also previously UK Biodiversity Action Plan habitats and species, and those that remain as Local Biodiversity Action Plan Priority Species and Habitats in Nottinghamshire.

There are also additional policy documents that give further background to Nottingham City Council's commitment to biodiversity including Breathing Space Strategy and Biodiversity Position Statement.

The wording of the Local Plan Policy that is the main basis for this SPD is as follows overleaf:

Please note - This SPD includes and replaces the 'Biodiversity Checklist' referred to in the LAPP Policy EN6.

Biodiversity (extract from Local Plan)

Local Plan Policy EN6: Biodiversity

- 1. In addition to Core Strategy Policy 17, which seeks to increase biodiversity, wherever possible proposals for development will be expected to protect and promote biodiversity to deliver multi-functional benefits and contribute to Nottingham's ecological network both as part of on-site development proposals or through off site provision.**

- 2. In considering proposals affecting biodiversity the following will apply:**
 - a) development proposals on, or affecting, Sites of Special Scientific Interest (SSSIs), will only be permitted where the justification for the development clearly outweighs the nature conservation value of the site;**

 - b) development proposals on, or affecting, locally designated sites (including Local Geological Sites), sites supporting priority habitats, or supporting priority species, will only be permitted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation or geological value of the site;**

 - c) development proposals on, or affecting, national and locally designated sites and notable species should be supported by an up-to-date ecological assessment;**

 - d) development proposals on, or affecting, other non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that the need for the development any harm caused by the development and that adequate mitigation measures are put in place.**

- 3. Development will only be permitted where significant harmful ecological impacts are avoided. Where harmful impacts cannot be avoided they should be mitigated through the design, layout and detailing of the development, or as a last resort compensated for, which may include off-site measures.**

Justification (extract from Local Plan)

5.37 *The NPPF states that local authorities should plan positively for the creation, protection and enhancement of biodiversity in accordance with the hierarchy of international, national and locally designated sites. This should ensure that protection is commensurate with the status of the site, gives appropriate weight to the importance of the site and the contribution that the site makes to wider ecological networks in order to halt the overall decline in biodiversity. The Natural Environment and Rural Communities (NERC) Act 2006 sets out a biodiversity duty that ‘every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.’ The policies within the LAPP and evidence that underpins the approach to biodiversity discharge the Council’s responsibility under this Act.*

5.38 *There are currently no internationally designated sites within or in close proximity to the City (e.g. Special Areas of Conservation, Special Protection Areas etc.). The City does have 3 SSSIs as shown on the Policies Map at Sellers Wood, Holme Pit and Colwick Cutting. These sites are designated and protected under the Wildlife and Countryside Act 1981 (as amended). SSSIs are a representative sample of the best examples of certain habitats or features notified by Natural England under Section 28 of the Wildlife and Countryside Act 1981. The selection of such areas is based upon specific criteria, with the principal aim of safeguarding the long-term future of the area in terms of its flora, fauna or geological or geophysical features. The City Council has a duty to consult Natural England on all planning applications that affect the integrity of a SSSI.*



- 5.39 *Locally designated sites include 14 Local Nature Reserves (with more proposed), which are designated by the City Council, 54 Local Wildlife Sites and 24 Local Geological Sites which are designated by the Local Sites Panel, a technical sub-group of the Nottinghamshire Ecological and Geological Data Partnership. The boundaries of all of the locally designated sites are defined on the accompanying Policies Map. It is recognised that the ecological value of sites change over time and that new sites may come forward. There are currently proposals to designate a Derbyshire/Nottinghamshire Nature Improvement Area, which may incorporate parts of Nottingham City, such as along the River Trent Corridor. It is intended that any additional sites identified or designated during the plan period will also be protected through this policy. The River Trent is a strategic corridor which is the focus for many local biodiversity and green infrastructure led projects. Any scheme that comes forward during the plan period which will impact upon this strategic corridor will therefore be considered in accordance with this policy. considered in accordance with this policy.*
- 5.40 *Nottingham supports species protected under the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 as amended and Protection of Badgers Act 1992, as well as a range of Priority Habitats and Priority Species safeguarded by being listed as habitat or species of principal importance for the conservation of biodiversity in England under Section 41 of the Natural Environment and Rural Community Act (2006). Many of which are also defined in more detail in the Nottinghamshire Biodiversity Action Plan. The locally identified Priority Habitats and Species are listed as a priority for protection in the Nottinghamshire Biodiversity Action Plan either because they are nationally or locally rare or in decline or are characteristic of the area. The Nottinghamshire Biodiversity Action Plan has been adopted by the City Council, helping to encourage and guide nature conservation work. In 2011 the City Council produced its Biodiversity Position Statement: Ambitious for Wildlife, further setting out biodiversity commitments and targets. The City Council will consult with Natural England or other appropriate wildlife organisations on any applications that affect protected or notable species or habitats. It is the responsibility of the developer to ensure that they do not contravene the regulations that aim to protect the species.*

- 5.41 *Furthermore, valuable species of flora and fauna are also found outside of designated national and local sites and should not be overlooked in the planning process as they are important for migration, dispersal and genetic exchange. It is also important to consider the linkages between sites. Policy 17 of the Core Strategy outlines the importance of Wildlife Corridors which comprise a range of sizes and are critical in linking spaces and creating future opportunities for habitats. Within the City Wildlife Corridors take the form of rivers, streams, railways, road verges, incidental pieces of open space and residential gardens and many are mapped as part of the Open Space Network. They are specifically referred to in development principles of sites where they are particularly important. Wildlife Corridors are a valuable resource both visually and ecologically and it is essential that these routes are maintained and protected where possible to ensure the continued movement of wildlife. genetic exchange. It is also important to consider the linkages between sites. Policy 17 of the Core Strategy outlines the importance of Wildlife Corridors which comprise a range of sizes and are critical in linking spaces and creating future opportunities for habitats. Within the City Wildlife Corridors take the form of rivers, streams, railways, road verges, incidental pieces of open space and residential gardens and many are mapped as part of the Open Space Network. They are specifically referred to in development principles of sites where they are particularly important. Wildlife Corridors are a valuable resource both visually and ecologically and it is essential that these routes are maintained and protected where possible to ensure the continued movement of wildlife.*
- 5.42 *Policy EN6 above sets out that development should avoid adversely affecting national and local designated nature conservation sites, Priority Habitats and Priority Species, by using alternative sites or layout designs. Where avoidance is not possible, and the need for and benefit derived from development outweighs the nature conservation value of the site, habitat or species, the impact upon the wildlife sites, habitat or species should be adequately mitigated.deliver an offsetting scheme within the Nottinghamshire area. Although no suitable schemes came forward, Biodiversity Offsetting within Nottingham City will still be considered but only as a last resort where the impact on biodiversity cannot be avoided or mitigated on site. Proposals to provide offsetting outside the City boundary will only be accepted in exceptional circumstances and where there is no suitable land available for offsetting within the City.*

5.43 *Where significant harm to the wildlife feature cannot be sufficiently mitigated or there are residual adverse effects after mitigation, as a last resort the impact should be compensated for, or the development should be refused. One form of compensation is Biodiversity Offsetting. Biodiversity Offsetting is a process by which conservation activities designated to deliver biodiversity benefits in compensation for losses are delivered, and are distinguished from other forms of ecological compensation by the formal requirement for measurable outcomes. Nottingham City Council worked with Nottinghamshire County Council and some of the neighbouring authorities, which together were selected as one of six pilot areas nationally to trial biodiversity offsetting, to deliver an offsetting scheme within the Nottinghamshire area. Although no suitable schemes came forward, Biodiversity Offsetting within Nottingham City will still be considered but only as a last resort where the impact on biodiversity cannot be avoided or mitigated on site. Proposals to provide offsetting outside the City boundary will only be accepted in exceptional circumstances and where there is no suitable land available for offsetting within the City.*



Kestrel

5.44 *Where there is suitable habitat present or a reasonable likelihood of a notable species (see Glossary) being present, surveys to determine presence or absence should be conducted by a suitably qualified or experienced ecologist. Surveys for protected species, mitigation measures to protect species and habitats, and ecological enhancement measures on development sites should be implemented in line with current national standards and published guidance, in addition to the City Council's adopted design guides and position statements, where available. The City Council's Biodiversity Checklist and Planning Application Validation Checklist sets out the information that applicants must include when submitting planning applications for developments. The Council also has its own Biodiversity Position Statement 2011-2020 and guidance on sustainable development and urban design, which are useful tools for reference when considering nature conservation and ecological enhancement measures on development sites.*

5.45 *Further details for providing biodiversity enhancement in and around development can be found in the Biodiversity Checklist, and a Biodiversity SPD will also be produced to provide further guidance to applicants. Examples of enhancement include: habitat restoration, re-creation and expansion, improved links between existing sites, buffering of existing important sites, new biodiversity features within development or securing management for long-term enhancement. New buildings can themselves also assist in promoting biodiversity, for instance through the provision of green roofs and walls, or features such as integrated bat or swift boxes. The River Leen within the City has been identified as a large-scale project for habitat improvement and smaller-scale improvements are also listed within the development principles for specific site allocations within this document.*

Appendix 2 Nottingham City's Open Spaces and Important Habitats

In Nottingham city there are a variety of protected sites and species and other habitats and species of nature conservation interest. Designated sites include 3 statutory designated, nationally valuable and legally protected Sites of Special Scientific Interest (SSSIs), 14 statutory designated and locally valuable Local Nature Reserves. There are also 54 non-statutory locally designated Local Wildlife Sites, with a further 13 that abut or only overlap the city boundary by less than 51%. There are no statutory designated sites of international importance within the City, with the closest being Sherwood Forest possible potential Special Protection Area (ppSPA; which is likely to be designated as a future SPA based on the presence of breeding populations of woodlark and nightjar), a complex of sites located in the county of Nottinghamshire.

The city hosts a wide range of Habitats of Principal Importance such as traditional orchards, hedgerows, eutrophic standing waters, ponds, rivers, lowland calcareous grassland, lowland neutral grassland, open mosaic habitats on previously developed land, reedbeds, lowland mixed deciduous woodland, wet woodland, and wood pasture and parkland. Many of which are also local BAP habitats including; eutrophic and mesotrophic standing waters, fens, marshes and swamps, hedgerows, lowland calcareous grasslands, lowland neutral grasslands, parkland and wood pasture, reedbed, urban and post-industrial habitats, wet broadleaved woodland.

Many of these designated sites, notable habitats and other non-designated or incidental habitats and spaces also support a host wide range of protected and notable species, with examples including Wildlife and Countryside Act Schedule 1 listed birds such as black redstart, kingfisher, peregrine falcon and little ringed plover, and birds listed as Species of Principal Importance, otter, water vole, badger, many species of bat including the migrant Nathusius' pipistrelle and rare barbastelle, great crested newt, slow worm and common lizard, a wide variety of invertebrates including white-clawed crayfish, dingy skipper and stag beetle.

The Open Space Network of Nottingham city has been designated and protected under the Local Plan. The majority of SSSI, LNR and LWSs fall within this network as well as many other open spaces that are not subject to nature conservation-related designations.

Further information regarding local biodiversity sites and species of interest can be found in the Biodiversity Position Statement, via the Nottinghamshire Biological and Geological Records Centre, Nottingham Insight Mapping and on the website of the Nottinghamshire Biodiversity Action Plan.

Appendix 3 Examples of Ecological Enhancement Measures and Wider Considerations

The following provides a brief list of suggested considerations for ecological enhancement measures on development sites and some of the rationale for why these measures benefit biodiversity.

It is recommended that the Ecologist involved in the project makes recommendations for those suitable for the site and development type, and that these suggestions are discussed as early as possible in the development design to maximise the opportunities for incorporation into the scheme.

Landscaping schemes:

- Use natural boundary treatments such as hedgerows where possible rather than fences/walls
- Use native species, grown locally where possible
- Create structural diversity in the landscaping with a wide variety of types of plants and species
- When using non-native species use those of an accepted value to wildlife, such as nectar and berry producing species
- Avoid sterile cultivars and those with overly complex flowers that are not accessible to insects
- Should avoid non-native species that can be invasive (refer to Schedule 9 of the Wildlife and Countryside Act 1981 for a list of species to specifically avoid)
- Avoid use of peat-based products as production damages scarce resources and valuable offsite habitats

Innovative opportunities:

- De-culvert and re-naturalise a watercourse that passes through or beneath your site
- Include measures such as green or brown roof and living walls to maximise biodiversity in an urban setting or with limited space for nature
- Planters, pots and window boxes all provide space for planting in areas that lack gardens

Corridors through development:

- New and retained open space and landscaping should be located appropriately to provide connectivity with neighbouring habitats
- Use gaps in fences, walls or other such obstacles to allow wildlife passage through the site and wider landscape
- For larger developments underpasses or green bridges can be used for maintaining safe access across roads

Provision for wildlife homes and resources:

- Install some bat boxes, bird boxes, hedgehog homes, insect homes and log piles
- Include a wildlife pond
- Wildflower meadow mixes or flower-rich lawns can be used instead of amenity mixes; they add colour and interest as well as promoting biodiversity
- Designate some rough areas specifically for wildlife that are allowed to develop tall grassland and scrub

Sustainable Drainage Systems (SuDS):

- Can easily be designed specifically to be of benefit to wildlife as well as serving an attenuation function
- Provide opportunities for creation of additional habitat areas such as reedbeds, ponds, ditches and rough grassland
- Should be used to harvest and re-use rainwater and clean surface water to reduce water consumption

Management Plan:

- Always devise and implement an appropriate management plan to maximise the ecological value of retained and created habitats
- Monitor the effectiveness of the plan and revise accordingly overtime to ensure the most appropriate measures are being implemented and to be responsive to ecological and environmental change

Education:

- Interpretation panels and information leaflet for new residents can help to educate people about why an area looks as it does or is managed in such a way, makes rougher less attractive habitats more easily accepted by the community

Wildlife-considerate Lighting:

- Wildlife friendly lighting may allow wildlife to use retained or created habitats where a change in lighting regime or introduction of excessive artificial lighting would otherwise cause habitat to be avoided.
- Artificial lighting can affect invertebrate life-cycles and in turn affect prey availability for predators such as birds and bats, therefore reducing artificial lighting will avoid or reduce such impacts

Appendix 4 Ecological Survey Calendar

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Phase 1 habitat survey & vegetation	Phase 1 habitat survey	Phase 1 habitat survey	Phase 1 habitat survey/detailed botanical survey	Phase 1 habitat survey	Phase 1 habitat survey	Phase 1 habitat survey	Phase 1 habitat survey	Phase 1 habitat survey	Phase 1 habitat survey	Phase 1 habitat survey	Phase 1 habitat survey	Phase 1 habitat survey
Birds	Winter bird survey	Breeding bird survey	Breeding bird survey	Breeding bird survey	Breeding bird survey	Breeding bird survey	Breeding bird survey	Breeding bird survey	Breeding bird survey	Breeding bird survey	Breeding bird survey	Winter bird survey
Badgers		Sett and bait marking survey	Sett and bait marking survey	Sett and bait marking survey	Sett and bait marking survey	Sett and bait marking survey	Sett and bait marking survey	Sett and bait marking survey	Sett and bait marking survey	Sett and bait marking survey	Sett and bait marking survey	Sett and bait marking survey
Bat Roost	Hibernation survey					Nocturnal roost survey	Hibernation survey					
Bat Activity												
Reptiles												
Great Crested Newt												
Terrestrial invertebrates												
White-clawed Crayfish	Habitat assessment survey											
Water Vole												
Otter												

Suboptimal survey	
Optimal survey period	
Surveys not appropriate	

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