

Recommended Policy Wording for Local Plans

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Introduction

The following policies contain recommended wording for development management policies in Local Plans. They will assist the local authority to meet their obligations under Section 11 of the National Planning Policy Framework (NPPF) and achieve no net loss of biodiversity (**paragraph 9**). They cover every aspect of ecology that must be considered in the development management process.

The policies reflect the criteria-based and hierarchical approach that should be taken to protect wildlife sites, as required under **paragraph 113** of the NPPF. They reflect the need to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure required under **paragraph 114**. They meet the requirements for planning policies set out in **paragraph 117** and those for determination in **paragraph 118**.

Each recommended policy can be tailored to the specific Local Planning Authority. The policies can be kept separate, or similar policies (for example, for priority habitats and species) could be combined. Each policy should be accompanied by Supporting Text prepared by the local authority, explaining the need for the policy, any relevant legislation or national policy, and any species, habitats, features or local designations of particular importance to the local authority that may need specific consideration.

Recommended Policies

Legally Protected Sites and Irreplaceable Habitats

Proposals likely to have an adverse effect on Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites as shown on [Map X], will require a full assessment in line with European legislation. Development proposals affecting Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNR) as shown on [Map X] and irreplaceable habitats should be controlled through avoidance, on-site management and on-site mitigation. Where this cannot be achieved development proposals will not be permitted.

The Council will take a precautionary approach where insufficient information is provided about avoidance, management and mitigation measures. The Council will secure management, mitigation and enhancement through planning conditions/obligations where necessary.

Local Sites

Proposals likely to have an adverse effect on a Local Wildlife Site (LoWS), Local Nature Reserve (LNR), Special Roadside Verge or a site that satisfies the relevant designation criteria will not be permitted unless the benefits of the development clearly outweigh the harm to the nature conservation value of the site. If such benefits exist, the developer will be required to demonstrate that impacts will be avoided, and impacts that cannot be avoided will be mitigated on-site. Where residual impacts remain, off-site compensation will be required to achieve no net loss of biodiversity in [X District/Borough].

The Council will assess sites proposed for development to ascertain whether they fulfil the criteria for designation and may request information from applicants to assist in that process. If a site satisfies the criteria it will, for planning purposes, be treated as if it were a LoWS/LNR.

The Council will take a precautionary approach where insufficient information is provided about avoidance, management, mitigation and compensation measures. The Council will secure management, mitigation and compensation measures through planning conditions/obligations where necessary.

Priority Habitats and Hedgerows

Proposals that result in a net gain in Priority Habitat will in principle be supported, subject to other policies in this plan. Where Priority Habitats are likely to be adversely impacted by the proposal, the developer must demonstrate that adverse impacts will be avoided, and impacts that cannot be avoided are mitigated on-site. Where residual impacts remain, off-site compensation will be required so that there is no net loss in quantity and quality of Priority habitat in [X District/Borough].

Hedgerows must be subjected to an assessment against the criteria of the Hedgerow Regulations 1997. If a Hedgerow is deemed to be Important under the Hedgerow Regulations, the developer must demonstrate that adverse impacts upon the Important hedgerow will be avoided, and impacts that cannot be avoided are mitigated on-site.

The Council will take a precautionary approach where insufficient information is provided about avoidance, mitigation and compensation measures. The Council will secure mitigation and compensation through planning conditions/obligations where necessary.

Legally Protected Species

Where there is a confirmed presence, or reasonable likelihood, of a legally protected species on an application site, the applicant will be required to demonstrate that adverse impacts upon the species have been avoided, and where they cannot be avoided adequately mitigated. Mitigation must conform to the requirements of relevant legislation and Natural England Standing Advice. Where impacts cannot be adequately mitigated, the proposal will not be permitted.

The Council will take a precautionary approach where insufficient information is provided about avoidance and mitigation measures. The Council will secure mitigation through planning conditions/obligations where necessary.

Priority Species

Where there is a confirmed presence or reasonable likelihood of Priority species being present on a development site, the developer will be required to demonstrate that an adequate mitigation plan is in place to ensure there is no net loss of Priority species.

The Council will take a precautionary approach where insufficient information is provided about mitigation measures. The Council will secure mitigation through planning conditions/obligations where necessary.

NIA – For Local Authorities wholly or partly within the boundary of the Greater Thames Marshes Nature Improvement Area

The Greater Thames Marshes Nature Improvement Area aims to increase the quantity, quality and extent of target Priority habitats to benefit focal species, improve the local ecological network, and increase engagement with the local natural environment.

Proposals that contribute to the aims, objectives and targets of the Greater Thames Marshes Nature Improvement Area will in principle be supported, subject to other policies in this plan. Development likely to have an adverse impact on the aims and objectives of the NIA will not be permitted.

Biodiversity Offsetting

In order to achieve no net loss of biodiversity the Council expects that the Defra Biodiversity Offsetting metric will be used to quantify the impacts of all development proposals upon habitats in ‘credits’.

Where residual impacts are calculated to remain after the application of on-site mitigation, Biodiversity Offsetting should be used to deliver the required compensation. The use of Biodiversity Offsetting will be secured through planning obligations where necessary.

Green Infrastructure and Ecological Network

Development proposals will be required to maximise opportunities for the creation, restoration, enhancement, expansion and connection of Green Infrastructure and connection of the development site to the local Ecological Network. All Major development proposals should seek to include elements of Green Infrastructure and Ecological Networks, such as but not limited to SuDS, allotments, street trees, green roofs, recreational areas, areas of new and existing natural habitat, green corridors through the site and waterbodies. Where this is not possible, financial contributions to facilitate improvements to the quality and extent of existing Green Infrastructure in [X District/Borough] will be sought.

Living Landscapes

The extents of the Living Landscapes in [X District/Borough] are identified on [Map X], these are:

- ...
- ...
- ...

Within each Living Landscape, opportunities for the preservation, restoration and re-creation of priority habitats, ecological networks and populations of priority species will be supported in order to protect and enhance strategic wildlife corridors and habitats in Essex. Development proposals that would deliver these opportunities will in principle be supported, subject to other policies within this plan. Development resulting in a significant adverse impact on the ecological function of these Living Landscapes will be refused.