

Lichfield District



# Biodiversity & Development

Supplementary Planning Document  
2016

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## 1 Executive Summary

**1.1** This Supplementary Planning Document (SPD) expands upon policies of the Lichfield District Local Plan: Our Strategy.

**1.2** The SPD guides developers through the ecological mitigation hierarchy of: Information; Avoidance; Mitigation; Compensation; and New Benefits, clearly detailing:

- When to Survey,
- What to Survey for,
- & how Surveys should be conducted,

**1.3** It provides developers with a clear “plain English” step-by-step guide for working with protected and priority species and habitats which are likely to be impacted upon by their proposed developments. The SPD details Lichfield District Council’s requirements for applicants to build nature conservation features into developments, ensuring that a measurable net-gain to the districts biodiversity is always achieved.

**1.4** This SPD highlights the importance that applicants protect and enhance existing nature conversation features within proposed developments, following best practice guidance and the mitigation hierarchy. On occasions where it is not possible the SPD details what Lichfield District Council requires a developer to consider when incorporating ecological compensation (including Biodiversity Offsets) within their development scheme.

**1.5** The SPD also provides developers with a list of useful links and contacts where further information on all the issues discussed can be found (Appendix A).

## 2 Introduction

**2.1** Biodiversity can be simply defined as the 'variety of life on earth'. This (SPD) forms part of the Lichfield District Local Plan and expands on policies that ensure biodiversity is adequately protected and enhanced throughout the development process. The SPD provides additional information on how these policies will be implemented and provides guidance on biodiversity and nature conservation for development applicants concerned with the conservation of biodiversity in development.

**2.2** The aim of this guidance is to provide step-by-step advice throughout the planning process and to supplement the policies within the Natural Environment chapter of the current Lichfield District Local Plan: Our Strategy, which provides a framework for development in the District.

**2.3** This document explains what Lichfield District Council expects to be considered with any planning application and the detailed information that needs to be submitted.

**2.4** Other SPD's to be consulted in relation to biodiversity conservation in Lichfield District include:

- Trees and Development and Landscaping SPD

**2.5** Included in this SPD is a list of internet links to other documents and guidance which may be of help to an applicant (Appendix A). These documents are often specific to one habitat type or species, or to a particular type of development's impact on biodiversity.

**2.6** Many of these documents and the methodologies they refer to are in a state of constant review and can be expected to be amended and updated periodically. Only the most recent version of any document should

be referred to when seeking additional guidance as Lichfield District Council will seek to follow the most modern best-practice approaches to biodiversity in development in all applications.

### 3 Legislation & Policy Context

3.1 There is a wide variety of legislation and policy provision relating to biodiversity conservation ranging from international to local level. The key legislation, policies and strategies includes:

- **The Conservation (Natural Habitats etc) Regulations 1994 (as amended 2010)**; often referred to as the habitat regulations. They are the mechanism through which the EU Habitats and Species Directive is implemented in the UK.
- **The Wildlife and Countryside Act 1981 (as amended 2010)**; the principal act relating to the protection of wildlife in Great Britain. Species listed for protection are in Schedules 1, 5 and 8.
- **The Protection of Badgers Act 1992**; an act that brings together all legislation that is specific to badgers with the exception of their inclusion in Schedule 6 of the Wildlife and Countryside Act 1981.
- **Natural Environment And Rural Communities Act 2006** - Lichfield District Council has a statutory duty under the Natural Environment and Rural Communities Act 2006 to have regard, so far as is consistent with the proper exercise of its functions, to the purpose of conserving biodiversity.
- **The Countryside and Rights of Way Act 2000**
- **National Parks and Access to the Countryside Act 1949**
- **The Environment Act 1990**
- **The Hedgerow Regulations 1997**
- **The National Planning Policy Framework 2012** - Conserving and enhancing the natural environment
- **Governments Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services**
- **Government circular 06/2005**

- **UK Biodiversity Action Plan**
- **West Midlands Biodiversity Pledge**
- **Staffordshire Biodiversity Action Plan**
- **Lichfield District Council Biodiversity Strategy**

3.2 Nature conservation is regarded as a key test of sustainable development. The local planning process addresses this duty by the inclusion of a number of nature conservation policies in local planning documents. These include:

- Core Policy 13: Our Natural Resources
- Policy NR3: Biodiversity Protected Species & their Habitats
- Policy NR4: Trees, Woodland & Hedgerow
- Policy NR5: Natural and Historic Landscapes
- Policy NR6: Linked Habitat Corridors & Multi-functional Green Spaces
- Policy NR7: Cannock Chase Special Area of Conservation
- Policy NR8: River Mease Special Area of Conservation

## 4 The Importance of Biodiversity within Development

### 4 The Importance of Biodiversity within Development

**4.1** Any development has the potential to impact (both negatively and positively) on local biodiversity through its effects on nature conservation features.

**4.2** Within this document the term “Nature conservation features” refers to:

- Species (both plant and animal) and their habitats (including feeding, resting and breeding areas)
- Natural and Historic Landscapes
- Semi natural elements of the landscape with particular cultural or historical significance; and
- Features which provide links or stepping stones from one habitat to another.

**4.3** Nature conservation features can be defined as having dual functions of contributing to local biodiversity and providing opportunities for people to experience and benefit from them. The benefits to local people provided by nature conservation features can be far ranging. They include valuable ecosystem services such as mitigating the damaging effects of air pollution and climate change, as well as aesthetic and amenity benefits.

**4.4** Developments have the potential to impact upon nature conservation features both within the boundaries of the development as well sites adjacent and in certain circumstances a significant distance away. As part of the development process these impacts need to be assessed and (if found to be negative) avoided, mitigated or as a last resort compensated for.

**4.5** Nature conservation features can vary greatly from site to site in both appearance and size. Some features are obvious to identify and the impact of a development

upon them equally obvious: the destruction through development of mature gardens or large areas of habitat, the removal of hedgerow, the removal of mature trees, destruction of badger setts within the development area etc. However, other nature conservation features are cryptic and can often be overlooked: bat roost under raised roof tiles and within roof voids, Great Crested Newt breeding pools in water bodies that dry out for part of the year etc.

**4.6** Developments which take into account the role and value of biodiversity can support economic diversification and contribute to delivering high quality environments throughout the District (Core Policy CP13 & Development Management Policy NR3). Developments should seek to minimise fragmentation of existing habitats (Policy NR6); incorporate beneficial nature conservation features; and must deliver a net gain for Biodiversity.

#### Lichfield District's Biodiversity

**4.7** Lichfield District supports a variety of wildlife rich priority habitats. These priority habitats include heathland, ancient semi-natural woodland and semi-improved grasslands, along with rivers and ponds which support a wide range of flora and fauna including many different mammals, birds, insects and plants. A list of priority habitats is identified in the LDC Biodiversity Strategy and most updated version of the Staffordshire Biodiversity Action Plan (Appendix A).

#### **International and European Sites (i.e. Natura 2000 site)**

**4.8** There is one international and European statutory nature site within the Lichfield District.

- River Mease SAC.

**4.9** Two other international and European SAC's are within the vicinity of the District and may need to be taken into consideration in some planning applications. These are:

- Cannock Chase SAC
- Cannock Extension Canal SAC

**4.10** All such sites (known as Special Area of Conservation or SAC's) are designated by the European Commission. These sites are of international importance for nature conservation and are strictly protected from damaging activities.

**4.11** It is possible for a development to have a negative impact on a SAC whilst being a significant distance from it. For the River Mease SAC a catchment area map which outlines the area of influence has been included (Appendix Map 1), Policy NR8 should also be referred to. For Cannock Chase SAC, a map of Zones are also included (Appendix Map 2) to help to identify if a development would be required to consider its potential impact on the SAC. Where there is a potential impact for Cannock Chase SAC policy NR7 should be referred to.

**4.12** Methods of calculating the potential impact a development could have on either of these sites as well as mitigation are covered in greater detail in two further documents:

- River Mease Special Area of Conservation Water Quality Management Plan, Developer Contribution Scheme 2 (Appendix A)
- Cannock Chase Special Area of Conservation Guidance to Mitigate the Impact of New Residential Development (Appendix A)

**4.13** Certain developments have the potential to impact upon Natura 2000 sites which are some distance from the Districts boundary via impacting air quality, hydrology

etc. Where there is a possibility of this occurring the applicant must recognise these impacts within their application and suggest appropriate methods of avoidance of mitigation which can be incorporated into the development scheme.

#### **Sites of Special Scientific Interest (SSSI)**

**4.14** There are currently 4 statutory SSSI's in the District which can be found in the Local Plan. They are designated by Natural England.

- Chasewater and Southern Staffordshire Coalfields SSSI
  - Comprising of the areas of: Chasewater; Brownhills Common; Norton Bog; Cuckoo Bank; Bleak House; Wharf Lane; Hednesford Hills and Biddulphs Pool.
- Gentleshaw Common SSSI
- Stowe Pool and Walkmill Claypit SSSI
- River Mease SSSI

**4.15** These sites are considered to be of national importance for nature conservation and are protected from damaging activities.

**4.16** It is possible for a development to have a negative impact on a SSSI whilst being a significant distance from it. Please consult the SSSI location map (Appendix map 3) for the location of these sites within the district. If a development is near to a SSSI, Natural England's Risk Impact Zone GIS System should be consulted.

#### **Sites of Biological Importance (SBI's) and Biodiversity Alert Sites (BAS's)**

**4.17** These sites are important for nature conservation at the county or district level and represent habitats of uncommon quality which are often difficult to recreate. Many support UK Biodiversity Action Plan priority

## 4 The Importance of Biodiversity within Development

habitats and species. These sites are not statutorily protected, but are a material consideration in the planning process.

**4.18** SBI's and BAS's in the district generally fall into the following categories:

- Ancient semi natural woodland and pasture woodland
- Hedgerows
- Grasslands, both semi and unimproved
- Heathland
- Wetland and open water
- Sites that support priority species as defined by the UKBAP and SBAP

**4.19** There are currently 78 SBI's within the Lichfield District; however the total number of sites changes periodically. Up to date information on these sites and their boundaries is provided by Staffordshire Ecological Record on behalf of the Council (Appendix A).

### Local Nature Reserve's (LNR's)

**4.20** LNR's are statutory protected sites designated under Section 21 of the National Parks and Access to the Countryside Act 1949. A LNR designation demonstrates a commitment by the local authority to manage land for biodiversity, protect it from inappropriate development and provide opportunities for local people to enjoy wildlife.

**4.21** There is currently one local nature reserve within the Lichfield District.

- Christian Fields Local Nature Reserve

### Protected Species

**4.22** The Lichfield District contains a wide variety of species which are defined by and receive protection under domestic or European legislation. The protection could be partial (prohibiting sale, for example) or full, in which case disturbance, killing or

injuring of just one of these species, or interfering with its habitat could constitute a criminal offence.

**4.23** The presence of a protected species is a material consideration when determining a planning application. Particular protected species that have been encountered within Lichfield District include:

- bats
- birds
- great crested newts
- white clawed crayfish
- water voles
- otters
- badgers
- invertebrates
- reptiles
- plant species

### Priority Habitats and Priority Species

**4.24** Priority species and priority habitats are those that have been identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (UK BAP). The UK BAP priority list is produced by the Joint Nature Conservation Committee (JNCC) and currently contains **1150 species**, and **65 habitats** (Appendix A). These priority habitats and species are listed on the Section 41 list of the National Environment and Rural Communities Act 2006 and are considered to be Species of Principle Importance for the conservation of biodiversity. A proposed developments impact on any of the species or habitats there listed is therefore a material consideration in the determination of an application.

**4.25** Additionally, the Staffordshire Biodiversity Action Plan identifies those habitats of importance for the county and includes plans for their conservation and management. A proposed developments



impacts on any of these priority habitats, whether within a locally designated site or not (i.e. non-protected sites), is also a material consideration in the planning process.

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## 4 The Importance of Biodiversity within Development

## 5 Biodiversity Information & Impact Assessments Required to Support Planning Proposals

**5.1 Lichfield District Council advises all applicants to enter pre-application discussions.** Such discussions may establish the potential impact of a development; helping to outline the scope of surveys and assessments required to support an application.

**5.2** Where there is potential for a proposed development to cause harm to internationally, nationally or locally designated sites, protected or priority species or habitats, then the applicant shall undertake appropriate surveys and assessment to a nationally recognised standard prior to the submission of a planning proposal (see Natural England Standing advice on protected species survey requirements for more details, Appendix A).

**5.3** The information gained from the site survey and assessment should be up-to-date (i.e. less than two years since the survey was conducted) and sufficient to allow the impact of the development to be appropriately assessed.

**5.4** The likelihood that a nature conservation feature will be affected by development proposals should be established before a planning application is submitted. For further guidance to assess the likelihood of a nature conservation feature being affected by a development proposal see the Natural England's Standing Advice and Planning Application Validation: Staffordshire Requirements for Biodiversity and Geodiversity Conservation (Appendix A).

**5.5** Failure to provide accurate information in relation to biodiversity is a reason to refuse the registration of a planning application or will result in its subsequent refusal when considered against policy.

**5.6** The advance planning of ecological works should always be considered early in a project. Some developments may require the collation of ecological data over an extended period of time in order to present the most suitable scheme of mitigation.

**5.7** The provision of mitigation strategies and compensatory habitats are likely to be required in advance of a development project. This ensures that any newly created habitat and/or nature conservation feature is of a suitable standard prior to the loss of the existing habitat or feature. This then allows for the safe relocation of protected species and/or ensures that there is no net-loss to biodiversity caused by the development.

**5.8** All development in Lichfield District is required to deliver a net gain for biodiversity. These net gains will have to be demonstrated when a planning application is submitted.

## **6 A Step by Step Guide to Building Biodiversity into Development**

**6.1** By adopting the approach summarised in **Table 1**, applications are likely to progress expediently in relation to ecology and will comply with domestic and European legislation and demonstrate best practice. Each stage is expanded in greater detail after the table.

6 A Step by Step Guide to Building Biodiversity into Development

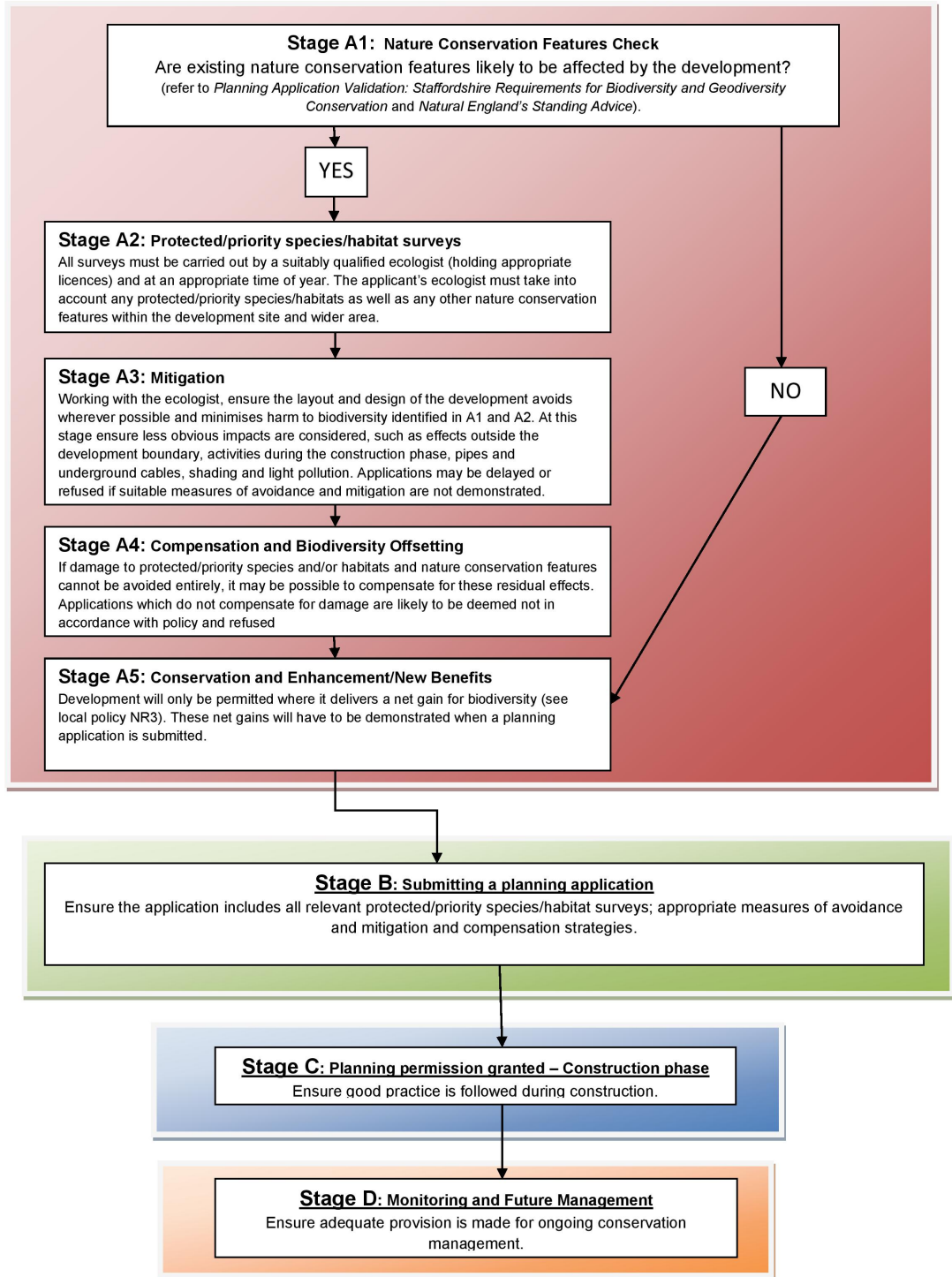


Table 1: Successfully Integrating Biodiversity into Development.

### **Stage A: Preparing to submit a planning application**

#### **Stage A1 Nature Conservation Features Check**

**6.2** A small proportion of planning proposals in the Lichfield District are at risk of having a significant effect on existing nature conservation features. In most cases such damage can be avoided if the threat is established at the earliest stage in the development proposal. The likelihood of a proposed development negatively impacting upon a protected or priority species and/or habitat and/or other nature conservation can be understood by referring to the checklists and flow charts within both Natural England's Standing Advice and the Planning Application Validation: Staffordshire Requirements for Biodiversity and Geodiversity Conservation (Appendix A).

**6.3** Natural England's Standing Advice and the Planning Application Validation: Staffordshire Requirements for Biodiversity and Geodiversity Conservation set out the level of biodiversity information required by the local authority to validate a planning application.

**6.4** If after consulting the aforementioned documents it appears likely that protected/priority species/habitats and/or other nature conservation features may be affected by the proposed development then ecological surveys will be required to be conducted and their results submitted to the authority. Applicants are welcome to contact the council's in house Ecology Team at any point for guidance regarding the different ecological surveys they may need to be conducted prior to submitting an application and the minimum required survey effort.

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

**6.6** The majority of developments in the Lichfield District have no significant effect on existing nature conservation features. However, to encourage and support our ecological networks and improve wildlife across the district every development (even ones which cause no impact) must provide a net-gain to biodiversity. This could be as simple as planting new trees or erecting a bird box.

## 6 A Step by Step Guide to Building Biodiversity into Development

### **Stage A2 – Protected/Priority species and Habitat Surveys**

**6.7** Applicants are advised to refer to Planning Application Validation: Staffordshire Requirements for Biodiversity and Geological Conservation document 2011 (Appendix A), as well as Natural England's Standing Advice for required survey standards (Appendix A).

**6.8** Prior to commissioning habitat or protected species surveys, applicants are advised to contact the Ecology Team should they have any doubt about the methodology or the standard of ecological surveys required as part of their application.

**6.9** Surveys must be carried out by suitably qualified, licensed and experienced ecologists.

**6.10** Certain protected species (i.e. bats, great crested newts) can only be handled or trapped by personnel holding government licenses; hence it is important to ensure that the appointed ecologist is qualified in those ecological fields that require surveys.

**6.11** To allow for applications to progress expediently it is recommended that during the survey process all habitats are compared against the Guidelines for the selection of Sites of Biological Importance (SBI) in Staffordshire (Appendix A); this is especially so if the application is for a major development. If any habitats are found to be of SBI quality (as stated in the guidelines) they should be clearly described as part of the habitat survey.

**6.12** All required ecological surveys must be in the context of the development proposal and methods, limitations of survey (including evidence where appropriate), results and conclusions must be compiled and submitted as part of a planning application.

**6.13** It is important to note that even should an ecological survey conclude that no protected or priority species are present on the application site, or that the development proposed will not cause habitat loss or have negative effect on biodiversity it is still required that the survey be submitted in full as part of the planning application.

### **Sharing Data**

**6.14** Survey data submitted with planning applications should also be provided to the Staffordshire Ecological Record (SER) to ensure that knowledge of the sites nature conservation features is not lost. To submit your information please email [info@staffs-ecology.org.uk](mailto:info@staffs-ecology.org.uk).

### **Stage A3: Mitigation and Measures of Avoidance**

**6.15** Mitigation consists of measures taken to avoid or reduce negative impacts on species or habitats. Measures may include: locating a development and its working areas and access routes away from areas of high ecological interest, fencing-off sensitive areas during a construction period, or timing works to avoid sensitive periods.

**6.16** Where, development would result in significant harm to a protected/priority species/habitat appropriate planning conditions or obligations will be required to adequately mitigate and/or compensate for the harm.

**6.17** Some forms of mitigation may be relatively simple such as avoiding the bird breeding season whilst undertaking vegetation clearance. Other requirements such as those associated with avoiding harm to bats during building works at a known bat roost may be more complex. Such works may require the input of a licensed ecologist to oversee the work.

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

**6.19** In assessing the potential impact of a proposal on biodiversity, applicants should ensure that all stages of the development are considered. Frequently the disturbed

area of the development site during construction is greater than that normally shown on application drawings. Impacts may also extend beyond the site boundary long after construction has completed, for example due to shading, increased light pollution or predation by domestic pets. Damaging impacts on the integrity of networks of habitat through fragmentation should also be considered.

**6.20** Applicants should ensure that they take account of the potential effects of a development on all the life stages of protected/priority species, taking account of the following essential requirements:

- Food
- Water
- Shelter
- Reproduction
- Dispersal

**6.21** For example, preserving a Great Crested Newt breeding pond within a development would not be sufficient to conserve the species if its terrestrial habitats (which provide the Great Crested Newts with both shelter and food) are destroyed.

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

**6.23** Applicants should also consider that some potential effects will be acute and easily detectable, while others may be long term and may only become apparent some

## 6 A Step by Step Guide to Building Biodiversity into Development

months or years after construction is complete. Damaging impacts on nature conservation features may be identified which cannot be avoided without jeopardising the viability of the development. These impacts should be clearly described and a full explanation given, as a part of both outline and full planning applications.

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

**6.25** Applicants should also consider that some potential effects will be acute and easily detectable, while others may be long term and may only become apparent some months or years after construction is complete. Damaging impacts on nature conservation features may be identified which cannot be avoided without jeopardising the viability of the development. These impacts should be clearly described and a full explanation given, as a part of both outline and full planning applications.

### **Stage A4 Compensation and Biodiversity Offsetting**

**6.26** Compensation is the process of providing species or habitat benefits specifically to make up for the loss of, or permanent damage to, biodiversity through the provision of replacement habitats. Any replacement habitat should be of same or greater biodiversity value and be guided by the Lichfield Biodiversity Opportunity Map.

**6.27** Compensation shall be considered as the last resort, with preference always given to protection in entirety followed by appropriate mitigation. Where the benefits of a proposal are demonstrated to clearly outweigh the importance of biodiversity conservation, conditions will be imposed and obligations negotiated with the aim of securing compensatory habitat creation to prevent biodiversity loss.

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

**6.29** Some compensatory measures can be relatively inexpensive in the scheme of a development, such as the provision of new



swift nest sites. Other measures may require the construction of entirely new features, such as a bat roost building and may require planning consent in their own right.

**6.30** The council requires all losses/gains to the biodiversity value occurring to a site through development to be measured. Where habitat is to be lost its value must first be calculated to ensure any compensatory habitat creation is of greater value. Delivering biodiversity compensation in a measurable way is essential to demonstrating that a net-gain to biodiversity value is likely to be achieved by a development. Where measurable compensation is delivered beyond the boundaries (red and blue lines) of an application it is termed 'biodiversity offsetting'.

**6.31** Before compensation or biodiversity offsetting can occur the value of the habitat to be lost must be calculated (Appendix A) Calculating biodiversity units comprises of 7 distinct steps:

- Step 1 – Apply the 'avoid, mitigate, compensate' hierarchy to understand the residual biodiversity loss.
- Step 2 – Map the habitat type(s) impacted by your development
- Step 3 – Assess the baseline condition of each habitat
- Step 4 – Combine the habitat type and condition weighting to calculate an overall number of biodiversity units.
- Step 5 – Work out if you have particular requirements for the type of offset you will need to provide
- Step 6 – Managing hedgerows (only applicable if hedgerows are to be lost)
- Step 7: Decide how you want to provide compensation

**6.32** All applicants entering compensation stage must engage with the local authority at this time if they have not already done so.

**6.33** On site compensation and biodiversity offsetting schemes must produce habitats of measurably greater biodiversity value than will be lost through the development. Lichfield District Council considers the minimum increased amount or 'replacement percentage' to be set at 20% above the biodiversity unit value of the habitats lost. Hence habitats to be lost valued at 10 biodiversity units, must be compensated for by the creation of habitats valued in total at no less than 12 biodiversity units. This is the minimum that would be accepted and the replacement percentage may be increased if for example: ecological networks have to be maintained or to avoid fragmentation of important existing habitats.

**6.34** To further assist developers with any biodiversity offsetting scheme Lichfield District Council will produce a Biodiversity Offsetting Strategy. This strategy will establish a hierarchy of preference as to the types of compensatory habitat desired to be created through an offsetting scheme. The habitat type of greatest desire for each scheme will depend on the location of the original development within the Lichfield Biodiversity Opportunity Maps. The Biodiversity Offsetting Strategy will also highlight areas within the district where habitat creation would produce the greatest strategic gains to conservation and so would represent the authorities preferred locations. At this time the Biodiversity Offsetting Strategy is an emerging document.

#### **Compensation and Irreplaceable Nature Conservation Features**

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

## 6 A Step by Step Guide to Building Biodiversity into Development

- ancient woodland,
- veteran trees
- ancient hedgerows

### Compensation Options

**6.36** Compensation must be measurable and can take the form of:

- The translocation of existing nature conservation features to:
  - a new location within the development site, or (if this is not possible)
  - a new location within the Lichfield District.
- The creation of new nature conservation features/habitats within the development site to replace those lost or damaged.
- The creation of new nature conservation features/habitats Lichfield District to replace those lost or damaged i.e. biodiversity offsetting scheme.
- A commuted sum paid to the council to improve or create equivalent nature conservation features elsewhere in the Lichfield District.

**6.37** Development applications involving compensation proposals should consider the above options in that order, for example only including proposals to create nature conservation features (as part of a compensation package) if translocation is not possible.

**6.38** If it is not possible to translocate or create nature conservation features within the development site as part of compensation, an applicant may choose to carry out equivalent measures on land elsewhere in the Lichfield District.

### Translocation

**6.39** Both species and habitats can be translocated. Where habitats are translocated it is considered to be a form of compensation, re-using existing vegetation and soils to create a new habitat elsewhere. It is considered very likely that translocated habitats will lose a portion of their biodiversity value through the translocation process; hence additional habitat creation should be included in a development scheme to adequately account for this reduction in biodiversity value.

**6.40** If legally protected species are involved, in some cases translocation may be the only compensation option available. As part of a submitted planning application, translocation proposals must be described in detail. To be acceptable to the local planning authority, proposals must include descriptions of:

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

**6.41** Guidance on the appropriateness of suitable translocation sites should be sought from the

**6.42** Council's Ecology Team prior to the application being submitted.

### Creation of Nature Conservation Features/habitats

**6.43** The creation of habitats as part of a compensation package must adhere to best practice guidance and be measurable. All habitat creation must be in line with the Lichfield District Biodiversity Opportunity Map (Appendix Map 4) and follow the principles of biodiversity offsetting in calculating compensation. The Authority suggests the use of the Environment Bank Impact calculator to calculate habitat value.

**6.44** As part of a submitted planning application, habitat creation proposals must be described in detail. To be acceptable to the local planning authority, the following general principles should be applied to development schemes involving habitat creation and proposals must include descriptions of:

- The location, size and physical characteristics of the receptor sites and presented on site plans
- Details of the conservation features to be created and identified on site plans
- The technique to be used to create the feature, including timing
- The equipment to be used
- The personnel involved
- Any habitat management proposed for the creation of the nature conservation feature/habitat which may be required before creation and ongoing
- Future ecological monitoring of the habitat translocation.

**6.45** All details regarding the creation of areas of compensatory habitat as part of a development scheme should be presented to the local authority as part of a Construction Environmental Management Plan (CEMP) or Habitat Management Plan (HMP) as appropriate.

**6.46** To achieve sustainable development, the compensation measures for species and habitats in the Lichfield District should include ongoing habitat management measures to further increase the ecological value of the site and include subsequent ecological monitoring to demonstrate success. Where ecological monitoring details a project is failing, contingency measures must be included to rectify this.

**6.47** The following translocation or habitat creation proposals are therefore unlikely to be acceptable:

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

### Commuted Sums

**6.48** As previously detailed, in certain circumstances it may not be possible for a developer to either mitigate or compensate for the negative impact of their development on nature conservation features within the development site or wider Lichfield District; however the development may still be justified. In such circumstances a biodiversity offset is required. Applicants are encouraged to locate and bring forward sites on which their biodiversity offset can occur. The types of habitats to be created or enhanced upon these sites should be reflective of the desired habitat for the sites location as depicted by the Lichfield District Biodiversity Opportunity Map (Appendix Map

## 6 A Step by Step Guide to Building Biodiversity into Development

4) as well as any further requirements detailed in the future Lichfield District Biodiversity Offsetting Strategy.

**6.49** The appropriateness of all “developer led” biodiversity offsetting schemes shall be assessed by the Ecology Team. Should the scheme be deemed as inappropriate (i.e. the wrong habitat in the wrong location; considered unlikely to succeed etc.), then the scheme will need to be amended or a biodiversity offsetting scheme on an alternative site put forward.

**6.50** If an applicant is unable to locate and secure an appropriate site on which an approved biodiversity offsetting scheme can be created then this will often necessitate a financial payment to the council via a planning obligation, secured through a S.106 Agreement.

**6.51** The purpose of such a payment would be to pay for the council to secure adequate compensatory measures and to ensure the sustainable development objectives of local planning policy are achieved. In each instance the required commuted sum is determined by the Ecology Team via a bespoke calculation which accounts for the real costs of habitat creation/enhancement, the costs of ongoing management over a period of 25 years and a management fee to provide the offset. A brokerage fee may also be required.

### **Stage A5: Conservation and Enhancement/New Benefits**

**6.52** Planning policy requires development to protect where possible and enhance nature conservation features; local planning authorities are expected to actively pursue and maximise such improvements. All development in Lichfield District is required to deliver a net gain for biodiversity. This must be demonstrated when a planning application is submitted.

**6.53** Developments should enhance, restore or add to biodiversity. Development can incorporate a range of ecological enhancements from bird nesting and bat roosting opportunities, to sustainable urban drainage systems and green roofs through to providing major new areas of biodiversity habitat alongside development. The type of ecological enhancements and measures introduced must be guided by Staffordshire Biodiversity Action Plan and the Lichfield District Biodiversity Opportunity Map (Appendix Map 4). All development must clearly distinguish between the new nature conservation benefits offered and any existing features retained or compensated for. For major planning developments measurable net gains will need to be demonstrated.

**6.54** Applicants should ensure that new biodiversity benefits are fully integrated through the development scheme, and not fragmented into isolated pockets or restricted to peripheral parts of the development site. Applicants must also take account of the wider landscape and ecological context of the development to ensure opportunities to promote the connectivity of habitats are maximised (as detailed in policy NR6).

**6.55** The emerging Lichfield District Council Biodiversity Strategy and Biodiversity Action Plan will also include

targets for biodiversity enhancements in new developments and applicants should refer to this for guidance.

**6.56** Applicants must provide details of proposed biodiversity enhancements and net gains, informed by expert advice, with planning applications. The council may attach planning conditions to ensure that biodiversity enhancements are implemented.

### **Stage B: Submitting a Planning Application**

**6.57** By the time a planning application is ready for submission the applicant must be able to provide to the authority:

1. All protected/priority species/habitat surveys highlighted as required by Natural England's standing advice Planning Application Validation: Staffordshire Requirements for Biodiversity and Geodiversity Conservation;
2. A detailed mitigation and or compensation scheme guided by the results of previously undertaken surveys (where applicable);
3. And be able to demonstrate a net benefit to biodiversity will be delivered by the application.

**6.58** Submission of these documents will greatly assist in the speedy arrival of a decision on your planning application.

### **Stage C: Planning Permission Granted: the Construction Phase**

**6.59** During construction it is essential that steps are taken to ensure all personnel understand the nature conservation objectives of the development. On developments which include a mitigation strategy; ensuring that appropriate steps are taken to safe-guard nature conservation features and that all individuals working on the development are suitably informed will

likely be a condition of planning approval. Temporary signage of sensitive areas is advisable and regular checks of the nature conservation features and any protective fencing should be carried out. Nature conservation reports should describe the measures which will be taken to ensure existing nature conservation features are conserved during the construction phase.

**6.60** Such reports should also address:

- Identification of and contact details for responsible personnel.
- Timing of works to minimise the risk of disturbance to protected and other species.
- Procedures for dealing with unexpected discoveries, such as previously undetected protected species or injured wildlife. If a protected species is found, even after planning permission has been granted, the developer should stop work immediately and contact Natural England for further advice. **Planning permission being granted does not in any way relinquish or diminish the applicant's legal responsibilities when dealing with any protected species (National or European), (Appendix A).**

### **Stage D: Monitoring and Future Management**

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

## Appendix A Internet hyperlink list

**Internet hyperlinks list to further information and relevant documents to assist applications**

**Planning Application Validation: Staffordshire Requirements for Biodiversity and Geodiversity Conservation**

[www.staffordshire.gov.uk](http://www.staffordshire.gov.uk)

**British Standard Institute- Biodiversity- Code of practice for planning and development**  
*(please note that this document requires purchasing prior to viewing)*

<http://shop.bsigroup.com/ProductDetail/?pid=000000000030258704>

**Natural England Standing Advice** (links to all UK protected species in development guidance, i.e. bats, birds, great crested newts, white clawed crayfish, water voles, otters, badgers, invertebrates, reptiles)

[www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/](http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/)

**Natural England Technical Information Note 51, Bats and Onshore Wind Turbines**  
*(interim guidance)*

<http://publications.naturalengland.org.uk/publication/35010>

**Natural England Technical Information Note 69, Assessing the Effects of Onshore Wind Farms on Birds**

<http://publications.naturalengland.org.uk/publication/23024>

**DEFRA Biodiversity Offsetting Pilot Scheme Guidance**

[www.defra.gov.uk/publications/files/pb13743-bio-guide-developers.pdf](http://www.defra.gov.uk/publications/files/pb13743-bio-guide-developers.pdf)

&

<http://archive.defra.gov.uk/environment/biodiversity/offsetting/documents/1204-bio-offset-pilot-appendix.pdf>

**Bat Conservation Trust; Bat Surveys Good Practice Guidelines 2012**

[www.bats.org.uk/pages/batsurveyguide.html](http://www.bats.org.uk/pages/batsurveyguide.html)

**Guidelines for the selection of Sites of Biological Importance (SBI) in Staffordshire**

[www.sbap.org.uk](http://www.sbap.org.uk)

**River Mease Special Area of Conservation Water Quality Management Plan Developer Contribution Scheme October 2012**

[www.lichfielddc.gov.uk/localplan](http://www.lichfielddc.gov.uk/localplan)

**Cannock Chase Special Area of Conservation, Interim Guidance to Mitigate the Impact of New Residential Development**

[www.sstaffs.gov.uk](http://www.sstaffs.gov.uk)

**Staffordshire Biodiversity Action Plan**

[www.sbap.org.uk/](http://www.sbap.org.uk/)

**Staffordshire Ecological Record**

[www.staffs-ecology.org.uk](http://www.staffs-ecology.org.uk)

**Joint Nature Conservation Committee** (providing lists for all current UK BAP species and UK BAP habitats)

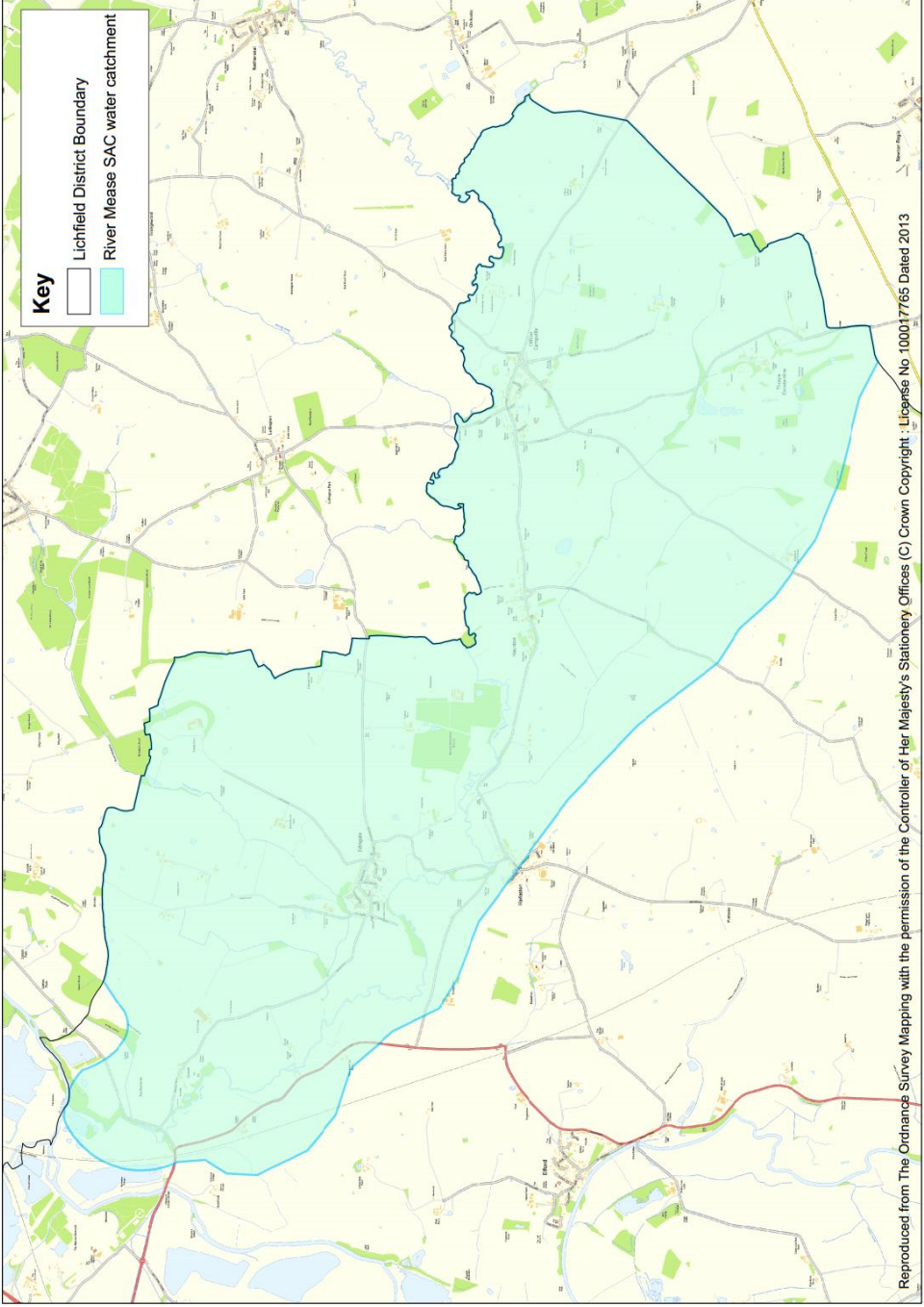
[www.jncc.defra.gov.uk/page-5705](http://www.jncc.defra.gov.uk/page-5705)

**Cannock Chase Area of Outstanding Natural Beauty (AONB) Partnership**

<http://www.cannock-chase.co.uk/>

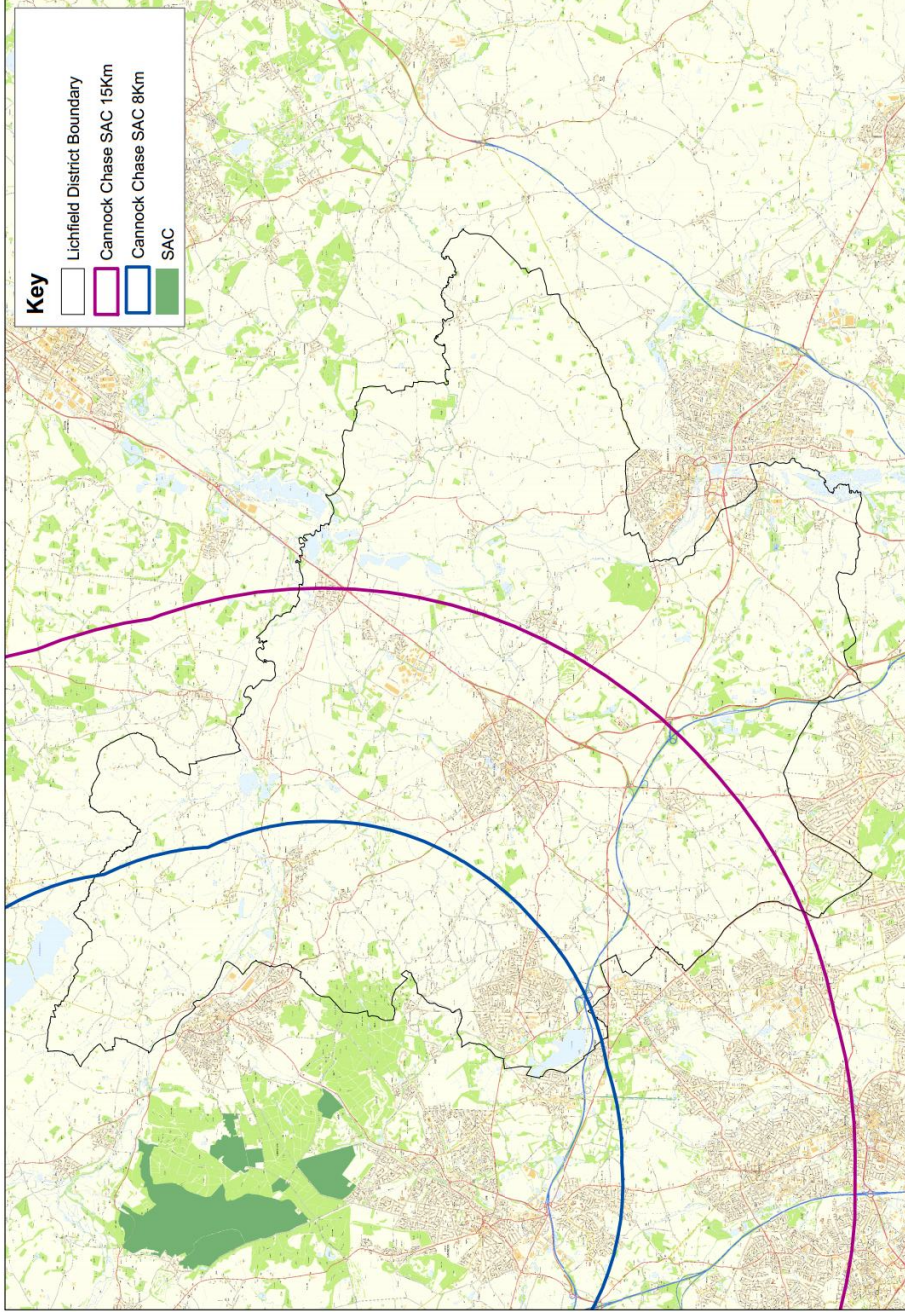
# Appendix B Map 1, River Mease Catchment Map

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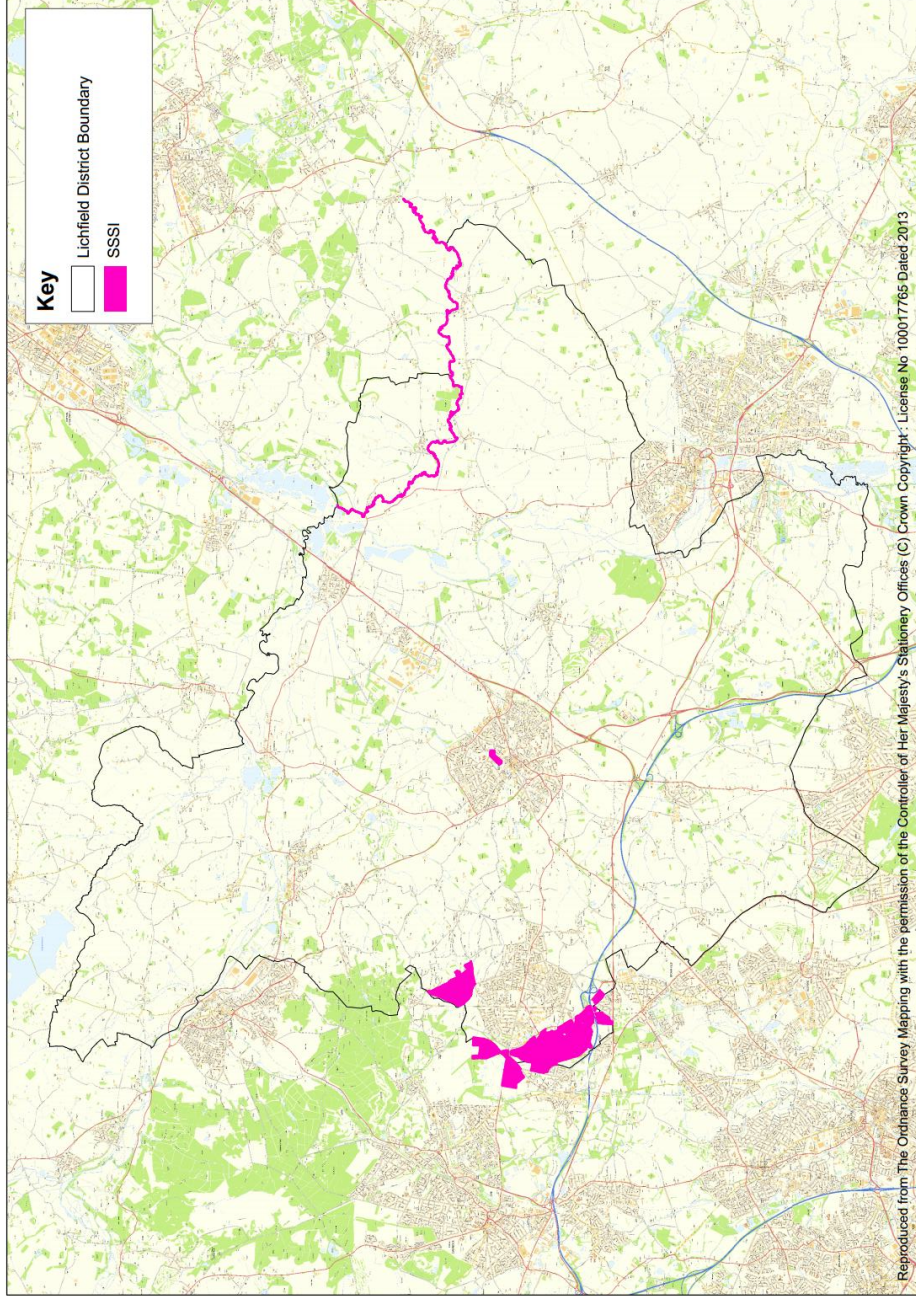
**Appendix C Map 2, Cannock Chase Map of Zones**



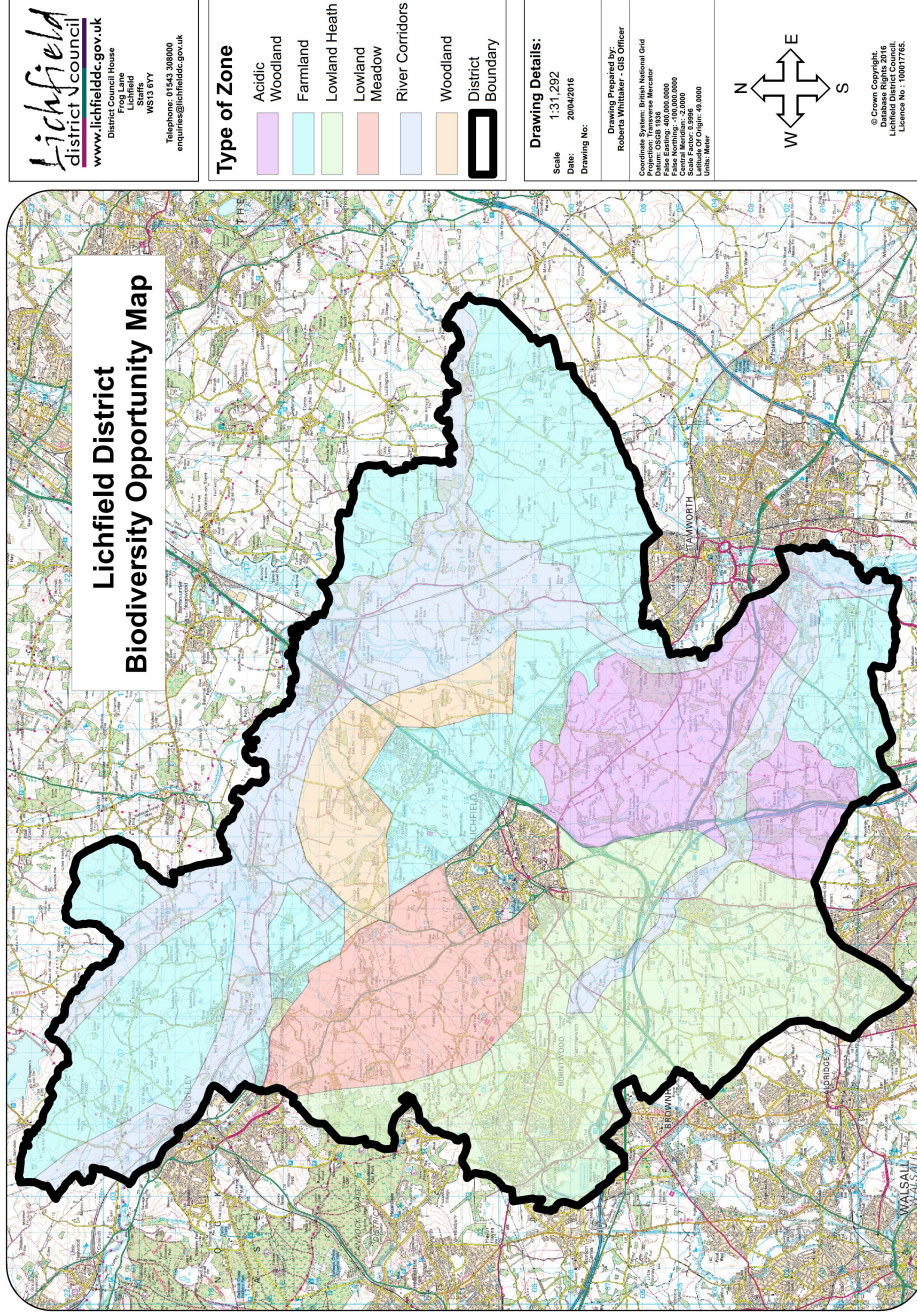
**Appendix C Map 2, Cannock Chase Map of Zones**

# Appendix D Map 3, Location of Sites of Special Scientific Interest (SSSI) within the Lichfield District

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Appendix E Map 4, Lichfield District Biodiversity Opportunity Map



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