

The Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire

Planning Policy

Approved by Wildlife Trust Council on 18 September 2018.

To be reviewed no later than end December 2023

1. Introduction

- 1.1. The Wildlife Trust for Bedfordshire, Cambridgeshire, Northamptonshire (the Trust) protects, enhances and creates wildlife habitats to achieve its aim of a coherent ecological network that safeguards wildlife and facilitates adaptation to climate change. This Living Landscapes vision for the three counties focuses on making wildlife habitats across our three counties bigger, better and more joined up, and re-engaging local people with the landscapes where they live. This approach underpins our involvement in the planning system.
- 1.2. A successful Living Landscape needs to ensure sites are robust and resilient enough to sustain our current biodiversity, and are well enough connected for them to play a part in a national wildlife network, to facilitate the movement of existing species and arrival of new species. This should comprise large areas in appropriate conservation management, connected to others through wildlife corridors and stepping stones, all of which is buffered by land which is sympathetically managed, The planning process has a major role to play in creating Living Landscapes, by protecting important wildlife sites and supporting the creation of new wildlife habitat to create a net gain in biodiversity.
- 1.3. A Living Landscape across our three counties requires that:
 - 1.3.1. Existing nature reserves be enlarged and buffered;
 - 1.3.2. All reserves be well-managed with climate change resilience in mind;
 - 1.3.3. All Local Wildlife Sites be suitably managed;
 - 1.3.4. Land use in the wider countryside, rural and urban, improves connectivity and permeability through creating wildlife corridors and through more wildlife-friendly land management in general;
 - 1.3.5. Local people understand the importance of this work and how their own decisions and actions affect the wider environment; and
 - 1.3.6. Local people are empowered to take positive action for wildlife.
- 1.4. The Trust is involved in the planning process for the purpose of preventing negative impacts of development on important wildlife sites, species and ecological networks and securing a measurable net gain in biodiversity.

1.5. The Trust is engaged with planning at both a strategic level (commenting on Local Plans) and at the Development Control stage.

P1. The Trust's Planning Policy applies to all planning proposals.

P2. The Trust is neutral to development, and assesses planning proposals against their impact on species, habitats, ecological networks and ability to achieve a net gain in biodiversity.

P3. In providing responses to planning applications and strategic planning documents, Trust staff will provide comment based on sound evidence and without bias.

P4. The Trust will endeavour to work in partnership with like-minded organisations to achieve Trust objectives.¹

2. Priorities for Action

2.1. The Trust prioritises the cases it pursues and balances its planning work with its other conservation activities. The Trust's priorities for planning work are in the following order:

1. Engagement in local strategic planning matters.
2. Applications that affect Wildlife Trust nature reserves.
3. Applications that will result in direct or indirect damage to sites of Local Wildlife Site standard
4. Applications affecting the viability of identified ecological networks.
5. Applications with opportunities for significant biodiversity enhancements.
6. Applications that will affect Sites of Special Scientific Interest and other legally protected sites.
7. Applications that will affect protected species.

3. Involvement in Local Strategic Planning

3.1. Through the involvement in the planning process, the Trust has the opportunity to influence policies that will protect and enhance important wildlife sites, species, and habitat networks; the location of future development to protect existing wildlife sites and wildlife corridors; and promote the provision of strategic green infrastructure, especially new wildlife habitats to create functional ecological networks and achieve a net gain in biodiversity.

3.2. The Trust will:

P5. Seek to ensure that Local Plan documents include policies to achieve a measurable net gain in biodiversity through the protection, conservation and enhancement of biodiversity interests, based on an up-to-date evidence base.

¹ Subject to such partnerships being in line with the Trust's Compatibility of Partnerships Policy.

P6. Seek to ensure that Local Plans contain Development Control policies that will not permit development that will destroy or adversely affect the ecological integrity of a statutory or non-statutory wildlife site.

P7. Seek to ensure that Local Plans contain policies to protect and enhance existing ecological networks as a key component of Green Infrastructure (GI); and policies that encourage the creation of new areas of priority habitat and habitats to support populations of protected, priority or other important species that will help to develop a landscape through which species can disperse and adapt to climate change.

4. Involvement in Individual Planning Applications

4.1. The Trust comments on planning applications in order to protect important wildlife sites and species and to achieve gains for biodiversity. Trust staff will evaluate a planning proposal's impacts on wildlife and comment accordingly. Staff will not comment on other issues such as landscape, public amenity, sustainability and flood risk where the Trust would otherwise make no comment but may refer to these and other issues when a planning response is made.

4.2. Planning Authorities have powers to take measures protecting, enhancing and creating areas for biodiversity. These are enshrined in local, national and European legislation and policy. The Trust will advise, encourage and assist local authorities to use these to prevent or minimise damage to wildlife, and to seek a measurable net gain in biodiversity. To exercise properly its powers, a Planning Authority must *avoid* unacceptable impacts on important wildlife sites by refusing planning permission, *mitigate* unavoidable impacts by seeking to modify planning proposals and *compensate* for unavoidable damage. In addition a Planning Authority must pursue *enhancements* that can be brought about by well-designed development, even where there are no wildlife impacts.

4.3. Outlined below is how the Trust will deal with individual applications, covering those that affect wildlife sites, those that affect protected species and those that compromise wider ecological networks.

4.4. Applications affecting wildlife sites

Sites of International or European Importance, and Sites of Special Scientific Interest

4.5. The most important wildlife sites in the country are legally protected and may be designated as one or more of the following:

- Ramsar site – Wetlands of International Importance under the Ramsar Convention
- Special Area of Conservation – Sites of European importance for wildlife
- Special Protection Area – Sites of European importance for birds

- Sites of Special Scientific Interest – Sites of national importance for wildlife or geology

4.6. Natural England is the statutory agency responsible for overseeing the conservation of protected sites, including through the planning system. The Trust expects Natural England to fulfil this duty and will normally support Natural England's actions in this regard. Effective planning work by Natural England allows the Trust to prioritise its own time to comment on applications that affect non-statutory sites. However:

P8. The Trust may object to applications which threaten a legally protected site.

P9. The Trust will object to applications that will have direct or indirect adverse impacts on a Wildlife Trust Nature Reserve.

P10. The Trust may comment on applications where there are opportunities for significant biodiversity enhancements.

Local Wildlife Sites (LWS)²

4.7. LWS are sites of conservation value that are not protected by law but are valuable enough to warrant protection through the local planning system. Some may be as valuable as statutory sites. Along with SSSIs, LWSs represent the remaining important fragments of biodiverse habitat in our three counties. LWSs are selected, according to agreed criteria, for their nature conservation value, based on important, distinctive and threatened habitats and species. These sites play a vital role in the conservation of our natural heritage by providing essential wildlife refuges as well as acting as stepping stones or corridors. It is, therefore, vital that the planning process plays its part in protecting these sites. The Trust's priority when commenting on individual applications is the protection of sites of Local Wildlife Site standard.

4.8. Through the planning process, the Trust will work to protect LWS in the following ways:

P11. If a site of LWS standard would be significantly damaged, the Trust will object to the proposal. Damage may be direct (i.e. direct loss of habitat) or indirect (e.g. increased public access or disturbance, hydrological impacts).

P12. If a LWS has been degraded since its selection, and no longer meets the criteria, the Trust may decide not to object, but may comment, to explain the past and current value of the site and the likely impacts of the development. The Trust will seek

² Local Wildlife Sites have a variety of names. In Bedfordshire and Cambridgeshire they are called County Wildlife Sites but in Northamptonshire Local Wildlife Sites. In addition Cambridge City has City Wildlife Sites. Defra calls them Local Sites. These names all refer to important wildlife sites without statutory protection which are designated locally by an independent review panel and which receive some protection through local planning policies.

enhancements as a result of such applications, with a view to at least replacing the features of the LWS lost through degradation.

P13. The Trust may withdraw its objection if biodiversity gains greater than that which would be lost can be demonstrated.

P14. The Trust will object where ecological information provided to support a planning application is deemed inadequate, for example because it is out-of-date, based on information gathered from the incorrect survey season/time/conditions/technique, or based on information gathered by someone who is not suitably qualified or experienced.

Sites with no current designation

4.9. There are also sites such as some Protected Road Verges, potential Local Wildlife Sites and pocket parks which do not meet LWS standard. With applications affecting these sites and even for applications where there are no known impacts on wildlife, there are still opportunities for the development to result in net biodiversity gain. However, the Wildlife Trust has limited resources and cannot commit to becoming involved in such cases.

P15. The Trust will not object to, or comment, on applications that do not affect sites of at least LWS standard, unless the application affects a Wildlife Trust Nature Reserve, has the potential to deliver substantial biodiversity gains, e.g. creating new wildlife habitats or fund the management of existing sites, or seriously compromises the integrity or delivery of ecological networks identified in green infrastructure or other strategies. Conservation staff will use their professional judgement in determining which cases to comment on and the priority to attach to such cases compared to other work.

P16. The Trust will have particular regard to applications affecting Habitats of Principal Importance as listed in Section 41 of the Natural Environment and Rural Communities Act.

Local Geological Sites (LGS)³

4.10. The three counties contain a network of sites designated for their importance for geological conservation known as Local Geological Sites.

P17. Where a planning application affects a LGS site which is also a SSSI or LWS the Trust may comment on nature conservation grounds. In these circumstances the Trust may also comment on the impacts of the application on the LGS features.

³ Local Geological Sites were formally called Regionally Important Geological/geomorphological Sites (RIGS) and may still be referred to in this way by local planning documents.

P18. Where the Trust believes a LGS that is not also a SSSI or LWS could be impacted by a planning application based on information it has available, it will inform the planning officer and direct them to the relevant LGS group for expert comment.

5. Applications affecting species

5.1. Important species may require specific attention to ensure they are not adversely affected by development. Some species are protected by law because of their rarity, vulnerability or because the UK holds internationally important numbers of the species. Other species are not legally protected but Section 40 of the Natural Environment and Rural Communities Act (2006) requires local authorities to have regard for their conservation when carrying out their normal functions.

European Protected Species and Nationally Protected Species

5.2. Through Section 78 of the Natural Environment and Rural Communities Act (2006) (the NERC Act), Defra has authorised Natural England to determine and grant licences for activities that will affect species protected at a European or National level. They are responsible, alongside the Planning Authority, for ensuring that planning proposals affecting protected species are dealt with appropriately.

P19. The Trust will generally not comment on applications solely affecting protected species and will refer such cases to a relevant group or person such as Natural England, Local Authority ecologist, or local bat group. The Trust may comment in instances where the Trust has knowledge of the species population affected or where the Trust is not satisfied with the responses given by others and the application affects the integrity of the local population.

P20. The Trust may refer to protected species issues when commenting on a planning application for other reasons.

P21. Conservation staff will use their professional judgement in determining which cases to comment on and the priority to attach to such cases compared to other work.

P22. In all cases the Trust will have regard to the conservation of the whole population (or meta-population) of a species rather than the conservation of all individuals.

Species of Principal Importance

5.3. The NERC Act includes a list of Species of Principal Importance which Planning Authorities must have regard for when carrying out their normal functions. This list includes species protected by law but also many others of conservation importance with no legal protection.

P23. In responding to planning applications the Trust will have regard to Species of Principal Importance as listed in Section 41 of the Natural Environment and Rural Communities Act.

P24. Where a Section 41 species is known to be present or the population would benefit from biodiversity enhancements related to the application, the Trust may comment accordingly.

6. Habitat Networks and Green Infrastructure (GI)

- 6.1. Living Landscapes and landscape-scale conservation is a key area of action for the Trust, because conserving and repairing linkages within and between habitats is vital to ensure biodiversity is able to adapt to climate change.
- 6.2. The Trust has identified several target areas to concentrate efforts for landscape-scale conservation work that provide strategic opportunities for the expansion, buffering and linking of existing habitats to create ecological networks. This work informs GI planning, which identifies a network of multifunctional greenspace for people and wildlife that planning has a role in delivering.
- 6.3. Promotion of access to the natural environment (where this does not compromise the nature conservation value of an area) is also a key part of Green Infrastructure provision. The Trust will seek to promote the provision of suitable opportunities for access to nature in line with the Natural England Accessible Natural Green Space Targets (ANGST) where significant biodiversity gains are likely to result.

P25. The Trust may object where there is a reasonable likelihood a planning application seriously compromises the integrity or delivery of ecological networks identified in green infrastructure or other strategies.

P26. The Trust may comment on planning applications where there is an opportunity to enhance or provide new Green Infrastructure that would contribute towards the achievement of the Natural England ANGST standards and there are significant biodiversity gains as a result of the proposal.

P27. In all these situations the Trust will work with planning officers and/or developers to provide advice on how habitat networks can be conserved, enhanced and created in order to ensure that the integrity of an ecological network is not compromised and is preferably enhanced through the planning application.

P28. In all these cases conservation staff will use their professional judgement in determining which cases to comment on and the priority to attach to such cases compared to other work.

7. Sustainability

7.1. Climate change may threaten the conservation of biodiversity. The Trust believes all new developments should endeavour to have high sustainability credentials. Although advice on sustainability is not a role of the Trust, due to the predicted impacts on wildlife, in some cases it may be appropriate to raise concerns or ask for evidence from developers that they have addressed wider sustainability issues.

8. Wildlife Trust planning applications

8.1. From time to time the Trust may submit planning applications for activities on its nature reserves or in relation to its offices and other facilities. At all times the Trust will submit applications that are of the quality it expects from others.

9. Position Statements

9.1. The Wildlife Trust may from time to time adopt position statements relating to particular types of development. These should be read in conjunction with this planning policy.

10. Pre-application discussions

10.1. The Wildlife Trust may from time to time have discussions with developers or their agents prior to submission of a planning application. Earlier engagement with developers will often provide a better opportunity to influence proposals and secure net biodiversity gain than once a planning application has been submitted. In undertaking such pre-application discussions, conservation staff will follow this planning policy at all times and the advice provided will be without prejudice and will not compromise our ability to comment or object formally in line with this policy once a planning application has been submitted.

11. Promotion of Ecological Expertise

- 11.1. Wildlife Trust staff undertaking planning responses will be suitably qualified or supervised by a suitably qualified individual and will draw in outside expertise as necessary.
- 11.2. Wildlife Trust Conservation staff will seek to provide regular training for Local Authority planning staff in nature conservation issues, ideally in partnership with Natural England.

11.3. Trust staff will promote the appointment of suitably qualified ecological staff within each Local Authority, in order to improve outcomes for wildlife and allow the Wildlife Trust to focus its resources on other important work.

11.4. Trust staff will promote the use of the local environmental records centre by the Planning Authority.

12. Service Level Agreements with Local Authorities

12.1. From time to time the Trust may provide expert advice to local authorities on planning matters under the terms of a Service Level Agreement. In these circumstances the Trust will aim to agree the scope of the service to be provided in line with the priorities outlined in this policy, though the service may on occasions be of broader scope. The Wildlife Trust will retain the right to object to individual applications in line with this planning policy.