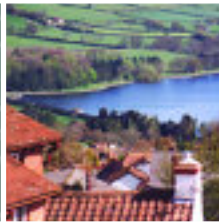
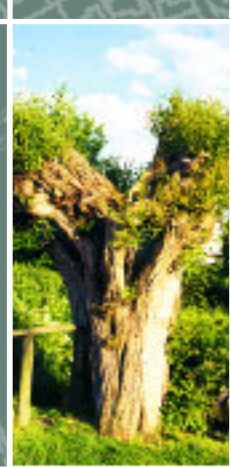


Biodiversity and trees

Supplementary planning document for developments within North Somerset



This **Supplementary Planning Document**
supplements the policies of
the Joint Replacement Structure Plan
the Adopted North Somerset Local Plan
the Emerging North Somerset Replacement Local Plan

Adopted by North Somerset Council
December 2005

Acknowledgement for photos

Acknowledgement

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Photos

Water vole

Greater horseshoe bat, dormouse
box and otter

Quarry, Blagdon Lake

Bee orchid, willow tree and butterfly

Bluebells

Veteran tree

Development and various habitats

Land Yeo

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Annexes

These can be found on the North Somerset Council website:
www.n-somerset.gov.uk

1	North Somerset Local Plan policies
2	Joint Replacement Structure Plan policy
3	North Somerset Replacement Local Plan policies
4	Legislation and policy guidance
5	Tree requirements
6	List of Wildlife Sites
7	Protected species guide
8	Householder leaflet
9	Biodiversity checklist for developers
10	When to survey for various species
11	Regional Policies
12	Notable species
13	List of BAP species and habitats
14	Contact list
15	References

1 Introduction

Biodiversity is a term that has been used since the Convention on Biological Diversity was signed by 159 governments, including the UK government, at the first Earth Summit in 1992 and refers to the variety of life on earth. This life includes all plants and animals as well as the habitats, soils and rocks in which they occur. The wealth and variety of biodiversity is seen in every environment, be it woodland, urban, coastal or open countryside.

Wildlife and development are often assumed to be in conflict. This doesn't have to be the case and this Supplementary Planning Document aims to encourage design for biodiversity gain alongside new development. This can be both within the building design and the adjoining open spaces.

1.1 Purpose

The purpose of this Supplementary Planning Document is to guide those submitting planning applications by supplementing the policies and proposals relating to biodiversity in the adopted North Somerset Local Plan, the Joint Replacement Structure Plan and the emerging North Somerset Replacement Local Plan.

The South West Regional Assembly has confirmed that this document is in general conformity with the Regional Spatial Strategy. This Strategy provides the regional context and policy framework for more local policies and includes policy EN1 'Landscape and Biodiversity' and targets set out in tables 3,4 and 5 (see ANNEX 11).

However, this Document is not part of the statutory development plan. When adopted, it will have the status of "Supplementary Planning Document", having been prepared under the new system of preparing development plans. As such it is anticipated that the Secretary of State will give substantial weight to the guidance set out in the document in making decisions on matters that come before him. It also has relevance to policies that concern landscape as these relate to habitats and designated areas.

It is expected that developers will follow the advice contained in this Supplementary Planning Document. The information provided by developers will be taken into account in the determination of planning applications. Developers are encouraged to consider the potential of their development in making a contribution to the biodiversity objectives and targets for particular types of habitat and species found in North Somerset. In this way the aim of no net loss of biodiversity within North Somerset should be achieved.

1.2 Policies and plans

The policies in the emerging North Somerset Replacement Local Plan will have weight attached to them depending upon the stage of plan preparation, increasing as successive stages are reached, or otherwise in accordance with Government guidance as set out under paragraph 48 of PPG1 General policy and principles.

The relevant policies in the regional, sub regional and local plans are listed in section 2. The plans seek to ensure that development does not cause a net loss in the biodiversity resource of North Somerset.

The Biodiversity and Trees Supplementary Planning Document also has links with the Landscape Character Assessment for North Somerset that expand on the Landscape Character Areas in the local plans, the North Somerset Waste Local Plan, the Mineral Working in Avon Local Plan and the Regional Planning Guidance as set out in RPG10. This Supplementary Planning Document should always be read in conjunction with all other relevant planning policies of the council.

In addition the Planning Policy Statement, PPS9, gives the background to the development plan led system.

Biodiversity policies have an important part to play in the sustainable development of North Somerset.

1.3 Biodiversity action plans

This Supplementary Planning Document seeks to further the actions of the national, regional and local Biodiversity Action Plans. *Action for Nature* is the Biodiversity Action Plan for North Somerset, and developers should consult this document to see where development proposals can fulfil one or more of the listed actions. *Action for Nature* provides information that is essential to this Supplementary Planning Document. *Action for Nature* is available on www.n-somerset.gov.uk, from local libraries, or alternatively a CD or copy can be requested from the Strategic Projects Group (ANNEX 14).

The habitat action plans in *Action for Nature* are:

- ◆ Woodlands
- ◆ Field boundaries and linear features
- ◆ Species-rich grasslands
- ◆ Fen, marsh and swamp
- ◆ Coastal and floodplain grazing marsh
- ◆ Standing open water
- ◆ Rivers and streams
- ◆ Estuary
- ◆ Urban
- ◆ Traditional orchards

The current species action plans in *Action for Nature* include:

- ◆ Otter
- ◆ Water vole
- ◆ Greater horseshoe bat
- ◆ Water shrew

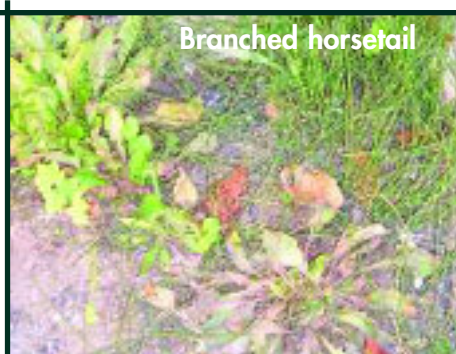
It is anticipated that more species action plans will be produced

Action for Nature has links with the Community Strategy for North Somerset, with the Avon Biodiversity Action Plan, Action for Biodiversity in the South West, Working with the Grain of Nature a Biodiversity Strategy for England and the UK Biodiversity Action Plan.

1.4 Trees as amenity features

Trees are important visual features in urban and rural settings and contribute towards the amenity of a locality. They also provide food for wildlife, nesting sites for birds and roosting sites for bats as well as habitat for numerous invertebrates. Their ecological importance is enhanced when combined with other habitats such as hedgerows. Veteran trees in particular can contribute significantly to the biodiversity of a locality. The importance of trees in the landscape is acknowledged in national legislation and regional policies.

Trees also provide significant direct and indirect benefits for the community. For instance, they can have a positive impact on health by filtering airborne particles, increase the sense of well being and provide shade from solar radiation. Trees also provide wood for products from the Forest of Avon project, or woodchip for mulch or fuel. In addition trees provide a sense of maturity to new developments, can encourage local community involvement and are an important educational resource.



Branched horsetail



Reptile fencing



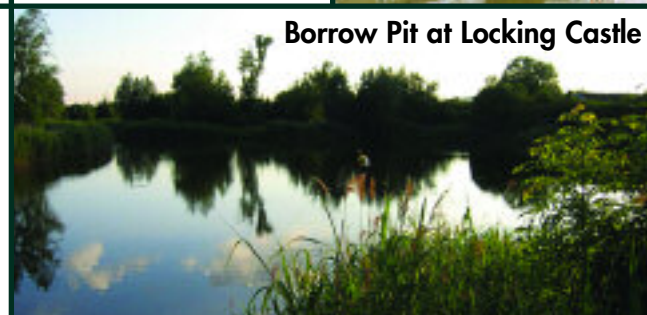
Green Lane



Durnford Quarry



Land Yeo



Borrow Pit at Locking Castle



Roadside hedgerow

2 Local policies

Planning applications will be decided in accordance with the development plans as in section 54A of the Town and Country Planning Act. Details of the policies that are relevant to biodiversity and trees are listed below and given in the ANNEXES. The policies apply in both urban and rural areas.

Regional spatial strategy (Annex 11)

POLICY NUMBER	POLICY TITLE	COMMENTS
EN/1	Landscape and Biodiversity	Targets in tables 3, 4 and 5

North Somerset Local Plan (Annex 1)

POLICY NUMBER	POLICY TITLE	COMMENTS
NE/1	The Forest of Avon	Designated area
NE/2	International Sites	Designated areas
NE/3	SSSIs	Designated areas
NE/4	Sites of Nature Conservation Importance and Local Nature Reserves	Designated areas
NE/5	Protected species	All areas
NE/6	Habitat creation and enhancement	All areas
NE/7	Management of wildlife habitats	All areas
NE/8	Tree planting	Specific schemes

Joint replacement structure plan (Annex 2)

POLICY NUMBER	POLICY TITLE	COMMENTS
18	Nature conservation	All areas

North Somerset Replacement Local Plan (Annex 3)

GDP/3	Promoting good design and sustainable construction	All areas
ECH/8	Landscape Character Areas	Designated areas
ECH/10	Forest of Avon	Designated area
ECH/11	Biodiversity	All areas
ECH/12	Protected species and their habitats	All areas
ECH/13	Wildlife sites of international importance	Designated areas
ECH/14	Sites of Special Scientific Interest and National Nature Reserves	Designated areas
ECH/15	Wildlife and Geological Sites and Local Nature Reserves	Designated areas

A list of relevant legislation, advice or policy documents is given in ANNEX 4.

3 Trees and development

The Town and Country Planning Act 1990 provides local authorities with a duty to ensure that in granting planning permission, adequate provision is made to protect and plant trees through the use of Tree Preservation Orders (TPOs) and planning conditions.

North Somerset Council will make TPOs where appropriate and where a potential threat is evident to important trees. These may be served prior to or on receipt of an application or following the development. A TPO may be made to provide protection for new trees. The making of TPOs before or on receipt of an application is aimed to encourage the developers' project team to consult with the local authority and the Order may be modified before confirmation.

The applicant will be expected to:

- ◆ Undertake a tree survey in accordance with BS 5837:2005 Trees in Relation to Construction Recommendations.
- ◆ Provide layout drawings which show the position of the trees and other landscape features, existing and finished site levels; services and sight lines.
- ◆ Provide an **arboricultural method statement** for works that may affect trees, which should include the type of construction and positioning of protective fencing on a **Tree Protection Plan** and any other techniques to minimise damage, such as details of 'no dig' paved surfaces, site compounds and any arboricultural works.
- ◆ Provide an Arboricultural Implication Study on more complex sites.

Further details are included in Annex 5.

It is essential that trees are considered at an early stage and prior to the submission of a planning application. Potential applications will need to demonstrate this and are strongly recommended to seek advice from a suitably qualified arboriculturalist. Applicants are required to demonstrate that they have followed the recommended flow diagram summarising planning for trees on development sites in figure 1 of BS 5837:2005.



Veteran tree retained and protected adjacent to new development at Ham Green

When considering a planning application, North Somerset Council will take into account how trees relate to the development, for example:

- ◆ The adequacy of tree protection measures.
- ◆ The minimum distance between trees and proposed buildings.
- ◆ The position of trees in relation to gardens and proposed buildings.
- ◆ Justification for any tree removals proposed and mitigation measures where appropriate.
- ◆ The relative positions of trees and windows for light.
- ◆ The aspect.
- ◆ Specific issues relating to tree species eg. Aphid honey dew, fruit drop, density of canopy, leaves and needles.
- ◆ Future canopy and root growth.
- ◆ Future management requirements and accessibility.
- ◆ The quality of trees and their contribution to the local landscape.

This is to ensure that the long term retention of appropriate trees is realistic and that the trees are viewed as an asset by new occupants rather than as an issue of conflict.

Before any demolition of existing buildings, soil level changes or construction takes place, the permitted tree work and any agreed tree removals should be undertaken at the appropriate time of year. Developers should also be aware of the possible need to obtain a felling license.

The Wildlife and Countryside Act (1981), and the Countryside and Rights of Way Act (2000) and the Conservation (Natural Habitats etc) Regulations (1994) protect wild birds, their nests and eggs and other wild animals including bats and their roosts. It is therefore necessary to ensure that any works or felling that is proposed has no impact on any protected species.

A separate leaflet will be produced to provide information for individual householders who wish to undertake more minor works such as the construction of extensions and / or conservatories which may or may not require a planning application.

Mature oak and ash trees protected during housing development at Locking Castle



4 Protected sites

Known sites hosting rare species or a good mix of species in important habitats have statutory protection at varying levels according to their importance as shown in the North Somerset Replacement Local Plan.

It is expected that all development adjacent to any designated site will follow the advice given in Section 8.4, so that a buffer of at least five metres is included.

Type of site	Number of sites	Relevance in North Somerset
Special Areas of Conservation	4	All coastline + 1km consultation zone and other areas / bat consultation area*
Special Protection Areas	1	All coastline + 1km consultation zone
Ramsar Sites	1	All coastline + 1km consultation zone
Sites of Special Scientific Interest	39	
National Nature Reserves	2	
Wildlife sites	199	See Annex 6
Geological sites (RIGS)	70	
Local Nature Reserves	10	
Wildlife features BAP Habitats	N/A	Woodlands, hedgerows, road verges species-rich grasslands, grazing marsh, ponds, rivers, streams, coastal habitats, urban areas, traditional orchards and wildlife corridors.
Conservation Areas (trees)	34	Mostly urban
Tree Preservation Orders	876	Mostly urban

*The bat consultation areas marked on the Proposals Map in the North Somerset Replacement Local Plan are drawn 5km from the candidate Special Area of Conservation for the greater and lesser horseshoe bats, as the bats are known to regularly use this area for foraging. However, greater and lesser horseshoe bats are also likely to be present in other areas from other hibernation and maternity roosts; while all the other British bat species are found in North Somerset and may be using habitats anywhere in the area.

5 Protected species

There are a number of legally protected species, both plant and animal, that may occur in North Somerset, that are a material consideration in planning applications. Details of the protected animal species, together with the various levels of protection may be found in ANNEX 7, where the table outlines the habitats where these species may be found. It also summarises the actions that developers need to take when these species are found to be present.

In addition, there are many other species that have been recorded in North Somerset, that are nationally and/or locally rare or scarce. A list of these notable species and the Avon Biodiversity Action Plan species list (2004) can be found in ANNEX 12.

The presence of protected species on a development site may require a licence for development to proceed, and English Nature or Defra (see ANNEX 4) will be able to advise.



Greater horseshoe bats



Water vole



Otter

6 Objectives

The purpose of this document is to ensure that biodiversity is fully incorporated and best practice observed in development proposals. A five point approach has been suggested by the Royal Town Planning Institute in *Planning for Biodiversity: Good Practice Guide* that is given below:

- ◆ **Information** – questions will be asked to decide if more information is needed on the potential effects of the development and on the expertise required to inform the decision
- ◆ **Avoidance** – wherever possible all the adverse effects on wildlife species and habitats should be identified and avoided
- ◆ **Mitigation** – to minimise any adverse effects and aim to guarantee proposed mitigation with planning conditions
- ◆ **Compensation** – to offset any residual harm and aim to guarantee this with planning obligations or agreements
- ◆ **New Benefits** – what and where are the opportunities to provide new benefits for wildlife?



7 Minor developments

The objectives in section 6 should be applied for all minor developments. These include applications for the erection of 1–9 dwellings, where the site is less than one hectare, or the floor space is less than 1,000 square metres. In addition the principles detailed under 8 Major Developments should be applied for minor applications where appropriate.

A special leaflet has been produced for householder and other minor applications (see ANNEX 8) that will be distributed with the planning application forms, so that biodiversity is considered at the pre application stage.



Farm hedge retained in new housing development at St George's

8 Major developments

Major developments include those applications for 10 or more houses, or for other developments, including industrial, where the floor space is 1,000 square metres or more, or the site 1 hectare or more.

All developers need to use the approach in section 6 and observe the following stages in regard to biodiversity and trees in the proposed development, completing the assessment stages 8.1 to 8.4 below, before the planning application is submitted. The results of this assessment should be incorporated into the design work, together with proposals for habitat enhancement and management and these should all be included in the planning application.

8.1 Screening

- ◆ **Screen** all applications for existing biodiversity

Each applicant should contact the council (see ANNEX 14) to discuss the biodiversity on individual sites. Where biodiversity interest is identified, the applicant should proceed to 8.2 to highlight work.

8.2 Biodiversity Checklist

- ◆ **Biodiversity Checklist** complete the form to summarise biodiversity

The biodiversity checklist (see ANNEX 9) should be completed and submitted with the planning application where the screening (8.1) shows there are important issues for biodiversity

8.3 Wildlife Survey – It is important to collect survey information BEFORE submitting a planning application

- ◆ **Survey and appraise** the biodiversity interest on the site and consider linkages with habitats outside the site

Ensure that you provide adequate survey data with the planning application for biodiversity. It is important that an ecological survey is carried out at the appropriate time of year (see ANNEX 10). The level of detail will vary according to the size of the development and the habitats and species on the site. A detailed survey should be carried out by an appropriately qualified professional specialist. A list of local ecological and bat consultants can be obtained from the Ecologist in strategic projects (ANNEX 14).

All survey records submitted to the council will be passed to the Bristol Regional Environmental Records Centre (BRERC), unless the applicant refuses permission. Additional biodiversity records on the area should be obtained from the BRERC (see ANNEX 14), but this will be historical data and does not replace the need to undertake an up to date survey. There may be a fee for the provision of information from BRERC.

8.4 Protect existing habitats and species

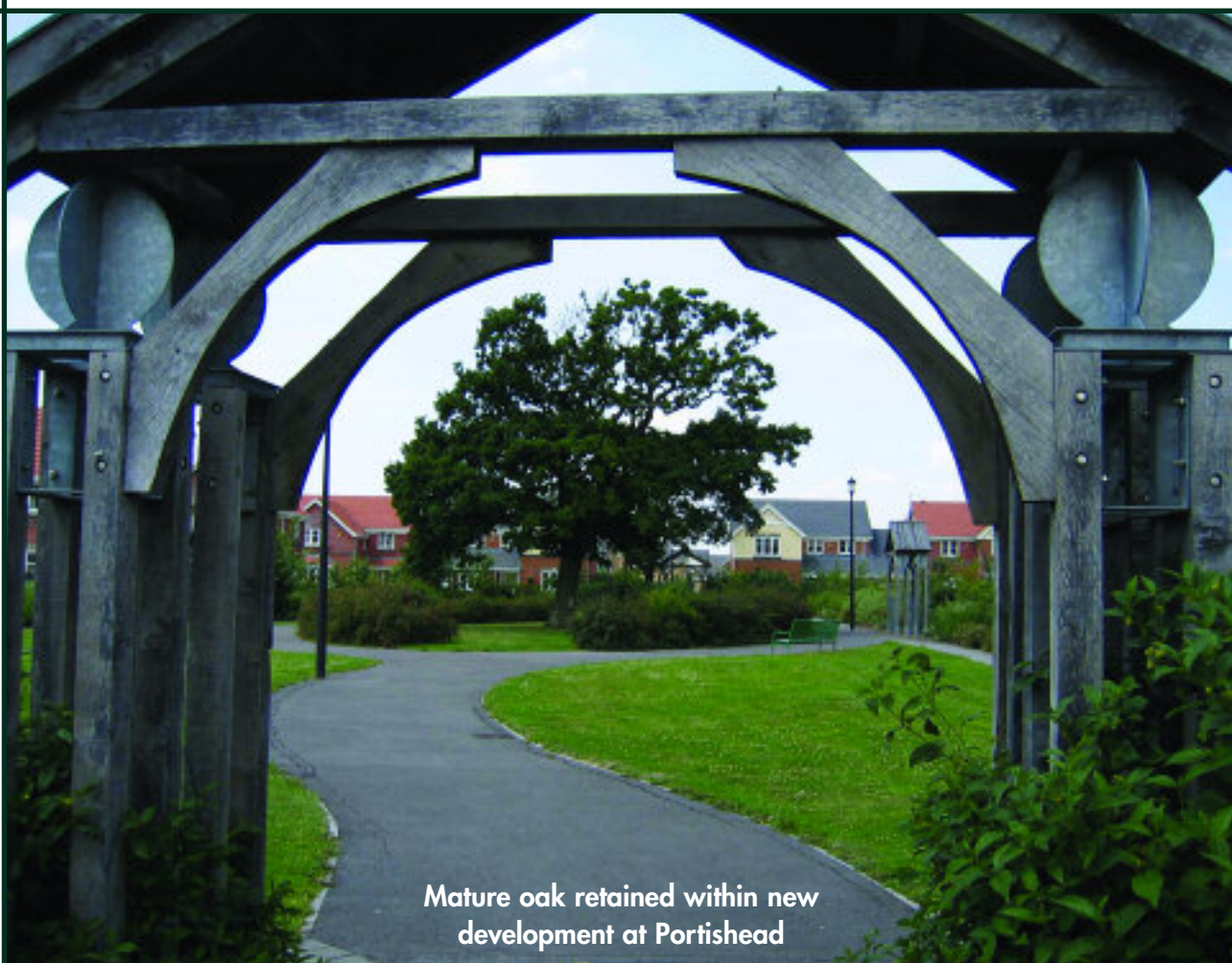
◆ **Protect, retain and manage** the existing key habitats and species

Avoid adverse impact to local, national or international sites, notable species, local or national Biodiversity Action Plan habitats or local or national Biodiversity Action Plan species (see ANNEXES 12 and 13).

Site layout and design should retain existing habitat features of benefit to wildlife. It is important to keep existing features, but to avoid leaving isolated fragments of semi natural habitat. Therefore, wildlife corridors and linking habitats are encouraged and a plan showing these should be provided at an early stage. These retained habitats should always be outside the individual householder boundaries and proposals for management must also be included (see 8.6). At least a five metre strip and sometimes a 10 metre strip for all water courses, hedges and woodlands should be retained to allow for management. However, where the Internal Drainage Board maintains the rhynes, an eight metre maintenance strip must be included.

The Forestry Commission will be consulted on any development proposals that affect ancient semi natural woodlands. Developers should be aware that there may be a need to obtain a felling license if they intend to fell trees in the area not included in the area within the red line of the planning application.

It is also vital that the existing habitats are protected from damage during the construction period. Therefore protective fencing must be erected around all wildlife features to be retained before any work commences on site. The protective fence for trees should be erected outside the area covered by the tree canopy. These details must be provided as part of the planning application and agreed



with the council. The timing of works must also be agreed with the council, especially where bats or nesting birds are on the development site, and comply with statutory duty.

Protected species may also be an issue here and a plan will be required to show how they will be protected. (see Section 5). It is possible that a licence from Defra or English Nature will also be required.

8.5 Enhance – all existing habitats

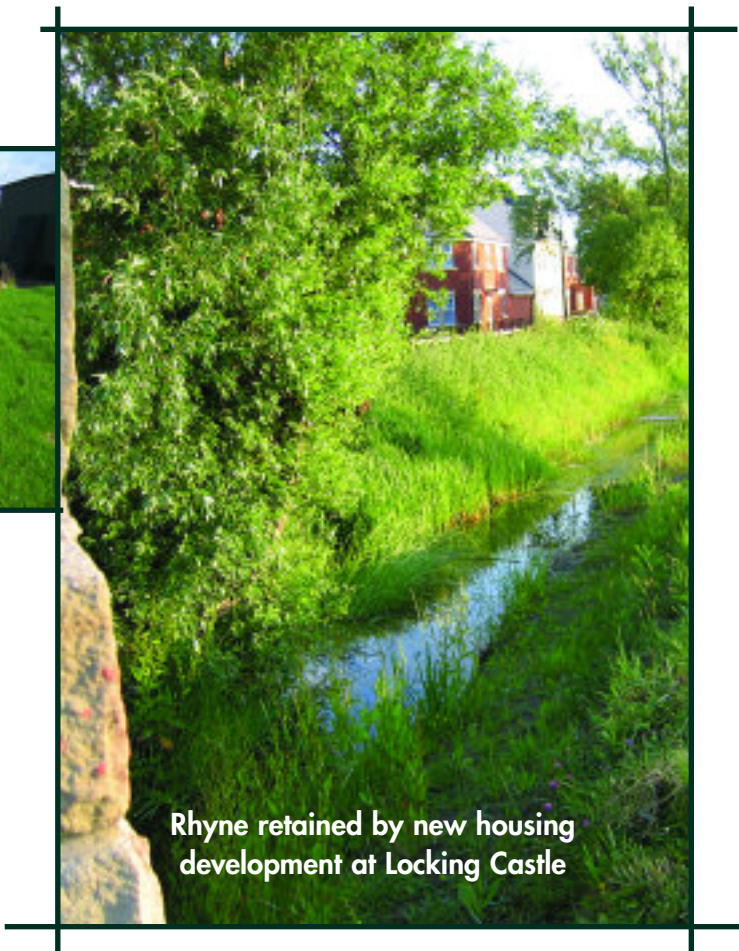
◆ **Enhance** and create habitats using BAP targets

Specialist advice is often required to enhance existing habitats. Native plants and seeds of local provenance should be sought for in new planting, while linkages between habitats and sites should be restored through the proposed management.

8.6 Manage – to maintain habitat integrity

◆ **Manage** existing and new habitats to maintain biodiversity interest

Provision must be made for appropriate management of retained features and for the newly created habitat in perpetuity. A rough guide for the cost of this is twenty times the annual maintenance budget, through agreements or a commuted sum. A management plan will need to be prepared and implemented as agreed. This may involve a charitable trust, a management company or may be adopted by the council, but in every case, the developer is required to make financial provision for the ongoing management.



8.7 Monitor – important species and features

◆ **Monitor** to assess the success of the enhancement, mitigation and compensation



Ivy Broomrape

The developer should arrange to monitor the site for at least 10 years for existing habitats and for the establishment of new or enhanced habitats. Funding should be identified to carry this out.

Monitoring will show the positive or negative effects on the biodiversity of the area and any negative data should result in changes to the long term management of the site for biodiversity. Provision should be made in the management plan to change management where monitoring shows this is necessary.

IN EXCEPTIONAL CIRCUMSTANCES WHERE DAMAGE TO THE EXISTING HABITATS IS UNAVOIDABLE:

8.8 Mitigate – against potentially adverse effects

◆ **Mitigate** to reduce adverse effects

All mitigation proposals should be discussed in detail with the Tree Officer or Ecologist and relevant Development Control Officer of North Somerset Council. Planning conditions will be used wherever possible where they are in accordance with Circular 11/95 for the mitigation agreed on a development site. Alternatively a Section 106 agreement will be signed with the developer to agree an appropriate level and type of mitigation, especially where ongoing management will be required to maintain the habitats. All section 106 agreements must be couched in terms of Government policy set out in Circular 1/97. Changes to the design, methods or timing of works can only take place with the agreement of the North Somerset Council.



Creating a lake

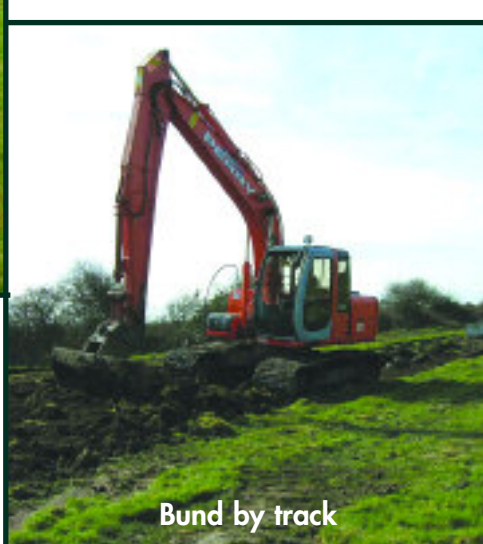
8.9 Compensate – where damage is unavoidable

◆ **Compensate** with new features as a last resort

Where damage to habitats or species is unavoidable, the developer can enter into a planning agreement to re-create habitat either on or adjacent to the site. Alternatively, the developer may wish to make financial contributions for long term enhancement of nearby sites, to enable creation of new habitats and / or management of existing and / or new habitats.



Creating a wetland



Bund by track



Creating a scrape

8.10 Comply – with all conditions and agreements

◆ **Comply** with all conditions or obligations

It is vital that all the agreed creation and management of habitats, mitigation, enhancement and compensation is undertaken and if you do not comply, enforcement may be required to ensure this. Monitoring may also show that enhancement, mitigation and / or compensation have failed. In this instance changes to the management and / or additional habitat creation may be required.

9 Conclusions

Planning applicants must satisfy the council that development can be successfully reconciled with the interests of the biodiversity as well as the amenity of the trees on the site and its surroundings.

The proposal should be planned so that existing habitats, species and 'wildlife corridors' are protected and there is no net loss to the biodiversity resource.

In addition, specific works or measures to conserve, protect and / or benefit the species or habitats present, as well as provision for future management, may need to be agreed between developers and the council.



Open water at Blagdon



Dormouse boxes



Butterfly



Bluebell Wood

If you require this information
in another format, such as Braille,
large type, tape or in another
language please call **01275 882 181**

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