SYNOPSIS

This report seeks approval to adopt the North Northamptonshire Supplementary Planning Document on Biodiversity as part of the Local Development Framework.

1. Relevant Background Details

1.1 A Supplementary Planning Document or SPD forms part of the Local Development Framework and contains detailed policy to expand upon and provide further detail on policies in the development plan. Once adopted, a SPD is one of the material considerations that can be taken into account when determining planning applications.

1.2 The purpose of the North Northamptonshire SPD on Biodiversity is to support existing planning policies including those in the adopted Core Spatial Strategy; as well as to guide Development Control and applicants through necessary biodiversity checks when completing a planning application.

1.3 The document was produced by the North Northamptonshire Joint Planning Unit (JPU) on behalf of the partner authorities as a result of the Wildlife Trusts training sessions with the local planning authorities, where a need was identified for more guidance on biodiversity especially at the pre-application stage.

1.4 The consultation on the draft Biodiversity SPD was carried out over a six week period during October and November 2010 following approval by the Joint Planning Committee at its meeting on 22nd September 2010. Having considered the responses received, including Corby Borough Councils, some minor amendments have been made to the SPD, which was subsequently recommended for adoption by the Joint Planning Committee on 7th December 2010.

2. Biodiversity Supplementary Planning Document

2.1 Appendix 1 provides a copy of the final Biodiversity SPD. The SPD will be an invaluable tool that will help ensure that biodiversity is assessed and considered in full before any application is submitted. The SPD includes a flow chart of how to assess biodiversity, guidance on aspects such as enhancement and mitigation of biodiversity, as well as a checklist of surveys to complete before submitting any application.

3. Consultation

3.1 The JPU have carried out an extensive six week consultation on the Draft SPD. In full 19 organisation and individuals responded, with a total of 97 separate comments on the SPD. A full schedule of responses together with the Wildlife Trusts and JPU comments on each is provided for inspection in the Members Room or available at http://cmis.northamptonshire.gov.uk/CmisWebPublic/Binary.ashx?Document=8349

3.2 Overall consultation responses were supportive of the document, with a few points raised over clarification and detail. Responses from the private sector suggested concern over overburdening the process; however comments from the sector were also constructive regarding content and implementation.

3.3 Members will recall that Corby Borough Councils response was generally supportive of the SPD although we suggested the need for stronger links to local planning policy,
greater detail on how trees should be addressed through the planning process and more
detail on when it is appropriate to apply Conditions and a S106 Obligation.

4. **Updates to the document**

4.1 As a result of the consultation there have been a number of minor amendment and
clarification on wording. In response to the comments that the Council submitted more
detail has been provided on the tree application and TPO process and more planning
policies checks have been added throughout the document such as a requirement to
consult local planning policies and wider strategies on the flow chart. The section on
conditions and S106 agreements has also been made more coherent and more detail
added on when to apply a Section 106 agreement.

4.2 Now that the document has been subject to statutory consultation and finalised, the
document can be adopted by the Council. The document will then form part of the suite
of Local Development Framework documents which will inform Development Control
practice.

5. **Issues to be taken into account:**

**Policy Priorities**
The Councils priority remains the production of the Local Development Framework. The
SPD is to form part of the suite of Local Development Framework documents.

**Financial, Performance Information, Best Value**
None directly from this report

**Legal**
SPDs are prepared under the Planning and Compulsory Purchase Act 2004 and must
be prepared in line with the Town and Country Planning Local Development Regulations
2004

**Human Rights Equalities Community Safety**
These are the basic requirements in a sustainable community. The Local Development
Framework and associated documents see these as essential elements to policy
formation.

**Sustainability**
This is the underlying principle of the Local Development Framework and associated
documents

6. **Recommendation**

6.1 It is recommended that Members adopt the Supplementary Planning Document on
Biodiversity to form part of Corby’s Local Development Framework.

**Background Paper**
CBC (6th October 2010) Corby Local Plan Committee Report- Supplementary Planning
Document on Biodiversity Available:
http://www.corby.gov.uk/Committee%20Meetings/Supplementary%20Planning%20Docu
ment%20on%20Biodiversity.pdf


NNJPU (7th December 2010) North Northamptonshire Joint Committee Report - SPD on
Biodiversity

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Front page photographs:
- Top left: Marbled white butterfly on knapweed
- Centre: Wildlife pond
- Bottom right: Pyramidal orchid on calcareous grassland

Final Document 24.02.11
Introduction

Northamptonshire has a tremendous diversity of wildlife which includes many nationally and internationally important species and habitats many of which are rare or under threat. Together these form a living landscape which shapes the county’s communities, economy, green infrastructure and resilience to climate change.

Protecting our natural resources and enhancing the environment is one of the Government’s four priorities for immediate action to deliver sustainable development\(^1\). Biodiversity is a fundamental constituent of this and its importance is set out in Northamptonshire’s Biodiversity Action Plan. All local authorities have a statutory duty to have regard, so far as is consistent with the proper exercise of their functions, to the purpose of conserving biodiversity (Natural Environment and Rural Communities Act, 2006\(^2\) - guidance for Local Authorities is available\(^3\)). This duty is addressed by the inclusion of nature conservation policies, both in the North Northamptonshire Core Spatial Strategy and saved policies in the old Local Plan for each borough/district.

This Supplementary Planning Document (SPD) explains how biodiversity shall be incorporated into the development process to ensure that the requirements of legislation and policy are met. It is designed to be used by those considering and applying for planning permission but should also be considered as a key tool by those developing broader planning policy, site allocations as well as the development plan process more widely. In doing this it offers a standardised approach which all applicants should follow, although the impact of any development on biodiversity needs to be considered on a case by case basis. The SPD provides guidance on the interpretation of the main principles set out by Planning Policy Statement 9: Biodiversity and Geological Conservation\(^*\), and the relevant local planning policies, and is to be used in conjunction with expert ecological assessment of the details of each specific case.

Local policies that are addressed by this SPD are:

North Northamptonshire Core Spatial Strategy:
- Policy 5: Green Infrastructure
- Policy 13: General Sustainable Development Principles
- Policy 16: Sustainable Urban Extensions

Kettering Borough Local Plan (saved policies):
- K3 (Ise Valley)
- K4 (Slade Valley)

Corby Borough Local Plan (saved policies):
- P1(E) - Environmental Protection on Development Sites
- P7(E) - Wildlife, Geological and Protection
- P8(E) - Wildlife, Geological and Protection
- P9(E) - Wildlife, Geological and Protection
- P14(E) - Nature Conservation Strategy

East Northamptonshire Local Plan (saved policies):
- EN8 – Protection of SSSIs, NNRs and LNRs
- EN9 – Safeguarding Sites of Local Conservation Interest

\(^*\) PPS9 is under review (Consultation paper on a new Planning Policy Statement: Planning for a Natural and Healthy Environment, published 09/03/2010). The consultation draft indicates that biodiversity will be covered through Policy NE8 according to the same principles as in the published PPS 9.
East Northamptonshire – Rural North, Oundle and Thrapston Plan
These policy numbers are subject to change when the Plan is adopted.

- Policy 14 – Protection of Local Sites of Conservation Interest and Designation of Local Nature Reserves
- Policy 15 – Enhancing Biodiversity

Wellingborough Local Plan (saved policies):
- G18 – Sites of Nature Conservation Value

Additional local strategies to be considered:
- Northamptonshire Biodiversity Action Plan
- Nene Valley Strategic Plan
- The Northamptonshire Arc
- Northamptonshire’s Environmental Character and Green Infrastructure Suite
- Natural England Upper Nene Valley Gravel Pits pSPA Guidance (in production)

This list is not exhaustive and further plans and policy should be considered as they emerge.
The SPD is split into 2 sections.

The first section is structured around a flowchart (Addressing biodiversity in developments, page 5) which will guide applicants and officers through the steps that should be taken to ensure biodiversity is fully addressed in every proposal. The process applies to development of any scale; those applying for small scale developments must still follow the flowchart but may find that they very quickly reach the last step. Each process in the flowchart is accompanied by a section of text that will explain why the step is needed and point the reader to information that will support them in completing each stage of the process.

The flowchart should be used at the pre-application stage to ensure that the application contains all relevant information to allow progression to formal determination. Considering these steps at the pre-application stage will minimise cost to the developer and save the time involved in the determination stage. The flowchart should be used by development management officers in the determination stage to ensure that only applications that are in accordance with national and local policy on biodiversity are permitted.

The second section of the SPD sets out requirements for addressing biodiversity in the validation process, the setting of appropriate planning conditions and obligations, and the construction and aftercare stages.

Section 1

Addressing biodiversity in developments

Ensure that the application has fully addressed the impacts of the proposal on biodiversity, addressed the relevant local planning policy and that all of the required supporting information is in place before proceeding to the next stage.

Follow the flowchart - addressing biodiversity in developments.

Section 2

Validation

Ensure the application meets the validation requirements.

Conditions and Obligations

Appropriate conditions or obligations will be agreed to ensure mitigation, compensation and enhancement are carried out effectively.

Construction & Aftercare

Ensure that plans are in place to implement good practice during construction and provide for the ongoing conservation management and monitoring of the site.
Section 1 Flowchart - addressing biodiversity in developments

**Gather Information**
- Complete Biodiversity Checklist in Appendix 1.
- Carry out required surveys (See Appendix 1 & 2).
- Consult appropriate local planning policy and wider relevant strategies and legislation

*This stage must be completed before an application can be validated.*

Are there existing biodiversity features on or near the site? (*near* is explained further on page 6)

- **Yes**
  - **Assessment of Impact**
    - Assess impacts using an EIA / HRA as appropriate.
    - Refer to ecological surveys.
    - Seek advice of nature conservation consultees if needed.

- **No**
  - **Avoidance and mitigation**
    - Avoid damage (e.g. by adapting proposals to avoid important habitats)
    - Where not able to avoid entirely, carry out mitigation measures (e.g. alter design to reduce pollution)

  *Failure to avoid damaging impacts may lead to planning application refusal, particularly if alternative sites exist or over-riding public benefit cannot be demonstrated.*

  Are there any residual impacts that cannot be avoided or mitigated?

  - **Yes**
    - **Compensation**
      - Seek expert ecologist advice on appropriate compensation measures in order to ensure no net loss of biodiversity.
      - *Compensation must be justified, appropriate, and guaranteed to be deliverable.*

      Are there damaging impacts to biodiversity that are not possible to avoid, mitigate or compensate?

      - **Yes**
        - **Enhancement**
          - Incorporate within the design of the development appropriate enhancements for biodiversity.

        **Recommend application to be refused**

      - **No**
        - Proceed to validation/determination
Supporting guidance for flowchart

It is essential that all applicants complete this section, which will ensure that all necessary ecological and planning policy information is gathered, forming the evidence base for further steps. Carrying this out at the earliest possible stage reduces the risk of delays caused by insufficient information, taking into account that most ecological surveys can only be carried out at specific times of year (refer to Survey Calendar in Appendix 2).

The Biodiversity Checklist in Appendix 1 clarifies when certain types of ecological survey and assessment will be needed.

The Biodiversity Checklist can be completed by the applicant, an Ecologist or the case officer depending on the type of site and proposal. Biodiversity features near the site need to be assessed as well as those on the site. ‘Near’ will vary in its meaning depending on the zone of influence of the development. A small extension to a residential property is likely only to affect the area immediately in its footprint, whereas a development on previously undeveloped land close to a water source may have a zone of influence of several kilometres in the direction of water flow due to the potential to contaminate ground water and run-off.

In addition to carrying out new surveys, it will almost always be necessary for the appointed ecologist to gather existing data from the Northamptonshire Biodiversity Records Centre which holds data on species and protected sites for the whole county, and from county specialists for certain groups e.g. bats. These data, along with initial survey work, may identify further survey needs that were not apparent from the checklist. E.g. a data search may reveal records of protected species using a site in the past. As long as there is a reasonable likelihood of the species being present and affected by the development specific surveys must be undertaken to confirm their presence or absence.

Survey work should be undertaken and prepared by competent persons and following appropriate survey methods. Full completion of this stage, along with the production of relevant ecological reports, is a requirement for a planning application to be valid (See Appendix 3). Biodiversity surveys cannot be postponed until after determination and then addressed by condition. This is supported by legal precedent.

Information from desktop and field surveys must be used, in conjunction with the development proposals, to assess the impacts of the proposed development on the biodiversity features both on and around the site. The potential impacts, positive as well as negative, whether direct, indirect, cumulative, long-term or short-term should all be assessed.

This should be done by a professional ecologist, who will include an assessment of the impacts within the ecological report.

Examples of impacts to be assessed include:
- Direct or indirect impact on a European Protected Species.
- Habitat fragmentation, isolation and removal of wildlife corridors.
- Permanent loss of, or damage to, all or part of an important site for biodiversity directly through loss to developed land.
- Short term damage to an important site through the construction process, vehicle access, storage of materials, pollution etc.
- Foul drainage arrangements where non-mains is used or utilities companies indicate capacity is not available.
- Increased disturbance and pressure by people and pets.
- Reduced resources for species (food, water, shelter, reproduction and dispersal).
- Interruptions to an established management regime.
- Introduction of alien soils or plant species.
- In-direct effects from development some distance away.
- Cumulative effects arising from large numbers of small development which on their own would have a lesser impact.

If a development is likely to impact one or more European Protected Species then the correct licensing procedures should be sought through Natural England. Certain types of development may need to be further assessed through the statutory procedures of Environmental Impact Assessment (EIA) or Habitts Regulation Assessment (HRA). The requirement for EIA comes from the European EIA Directive (85/33/EEC as amended by 97/11/EC and 2003/35/EC). The requirement for Habitats Regulation Assessment comes from the European Habitats Directive (92/43/EEC), and relates to development proposals that may directly or indirectly affect the designated interest of European protected sites. In Northamptonshire, this relates to the Upper Nene Valley Gravel Pits proposed Special Protection Area, which must be given the same consideration as a classified SPA in the planning system. The wider impacts of any development should be taken into account beyond its immediate footprint, such as from air pollution or water abstraction. As a result, designated sites more widely should be considered such as the SPAs at the Nene Washes and Rutland Water. Further guidance on the HRA process and survey methodologies with regard to SPAs is produced by Natural England and is currently being compiled for the Upper Nene Valley Gravel Pits pSPA. These documents do not absolve planning authorities in Northamptonshire of their legal duties as appropriate authorities but acts as guidance with respect to the potential impacts to European protected sites. For both European Protected Species and Sites Natural England should be consulted at the earliest possible stage.

Avoidance and Mitigation

If significant impacts to biodiversity are likely steps must be taken to avoid these impacts. Avoidance steps might include designing the site masterplan around biodiversity features in such a way as to ensure all important features, and ecological connectivity between them and the surrounding countryside, are retained.

**Where avoidance of all impacts is not possible, the local planning authority will need to first be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm**

If there are no such alternatives, adequate measures to mitigate the effects should be demonstrated. Mitigation involves taking steps on the site itself to reduce and minimise the negative impacts to biodiversity that cannot be avoided entirely. These might include adapting construction methods or site plans to reduce pollution or disturbance. Mitigation
should not be confused with compensation, such as replacement of lost habitat, which is covered in the next section.

*Failure to avoid or adequately mitigate damaging impacts may lead to planning application refusal, particularly if alternative sites exist or if an over-riding public benefit cannot be demonstrated.*

**Compensation**

*All on-site mitigation options should be exhausted before compensation is even considered*⁰⁰. This is because compensation schemes rarely successfully replace what has been lost, and it is far better to not damage biodiversity in the first place than to try to compensate for the damage caused⁰¹. Moreover, the provision of off-site compensation is not an appropriate reason to allow a development to damage irreplaceable biodiversity, such as ancient woodland⁰².

Where significant harm is likely, which cannot be avoided or adequately mitigated, the following questions should be asked:

1. Are there overriding reasons why damage should be allowed, taking into account the importance of the biodiversity asset, the need for the development and availability of alternatives? (if not, recommend for refusal)
2. Can the biodiversity asset that will be damaged be recreated, or translocated, with a high certainty of success? (seek expert guidance and if not, recommend for refusal)
3. Can the compensation be delivered early, ideally before damage to the original asset occurs, on a more than 1:1 basis? (seek expert guidance and if not, recommend for refusal)
4. Can the compensation be guaranteed by conditions or planning obligations? (if not, recommend for refusal)

If the answer is yes to all of the above questions, appropriate compensation measures should be sought⁰⁹. In contrast to mitigation, compensation is usually carried out off-site and often involves major habitat restoration or creation to offset what is being lost to development⁰¹. If the answer to any of the above questions is no, refusal of permission should be recommended.

Biodiversity is extremely complex, with no two patches within a habitat being identical, even less so between sites⁰². Even if there were full knowledge of a system it would not be easy to measure. It is therefore beyond the scope of this SPD to define how to calculate required compensation. Instead, each situation must be treated individually and expert ecological advice should be sought. Normally, the area of land for compensation will need to be much larger than that lost (this might be up to 10x, as in the case of Stanton Cross Development s.106 agreement, Borough of Wellingborough, WP/2005/0720/F). Wherever possible, compensation habitats should also be created to a suitable quality before damage takes place, allowing species to colonise it from the area to be lost.

In line with the UK Government Sustainable Development Strategy (2005), environmental costs should fall on those who impose them – the “polluter pays” principle⁰⁷.  

“If (that) significant harm [to biodiversity and geological conservation interests] cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”⁰⁸
All developments shall seek to improve Northamptonshire by providing a net gain in biodiversity. This shall be appropriate to the scale of the development, type and location of the development. Enhancements will vary from the use of native species in the landscaping scheme to incorporating a large area of new managed natural habitat within the open space of the development. The type and location of more significant enhancements that are suitable in Northamptonshire can be found in the published Biodiversity Action Plan for the county. Such enhancements may also include physical features incorporated into the built fabric of a development such as green walls, roofs and sustainable urban drainage systems; all of which can have benefit to wildlife if delivered correctly.

Any enhancements that are proposed must be backed by a sound plan to ensure that they are sustainable and will result in a long-term benefit to biodiversity. For example, creating an area of species-rich grassland but having no plans or funding in place to maintain it after the first 5 years will not result in a long-term benefit because much of the interest will gradually be lost when management ceases.

Opportunities for enhancement that add value to an existing habitat network should be sought as a first priority. Enhancements that increase connectivity for wildlife will have a bigger positive impact on biodiversity than enhancements that are considered in isolation. Links to related green infrastructure can be explored as a means of achieving this. Consideration should be given to the size of habitat created. Larger areas are more financially and logistically effective to manage. Therefore closely related development sites could consider joining together to create larger and more effective habitat areas, or contributing to local green infrastructure strategies to achieve strategic enhancement and mitigation.
Section 2

Validation

The validation process flowchart in Appendix 3 outlines the steps to be taken to ensure an application is valid in terms of the biodiversity element.

When submitting a planning application the 1APP form asks whether protected or priority species, designated sites, important habitats or other biodiversity features will be adversely affected or conserved and enhanced. If the pre-application stages have been completed then the answer to this question and justification for why will be straightforward.

If the answer to any of the questions on the Biodiversity Checklist (Appendix 1) is yes, then the corresponding 'yes' box on the application form should also be ticked. The 'yes' box should be ticked by default unless justification can be provided as to why it is not appropriate in that particular circumstance. **If the answer to any of the 1APP biodiversity questions is yes, appropriate surveys must be provided to the LPA in order for the impact to be assessed.**

If the answer is no to either of the 1APP questions then written justification of this must be provided (by a suitably qualified person) with the application, including a statement acknowledging that the applicant is aware that it is a criminal offence to disturb or harm protected species should they subsequently be found or disturbed.

If an application is judged to be valid on initial impression, but after professional consideration it is later identified that the application will affect features clearly specified in the validation requirements (e.g. a designated site or a feature likely to contain protected species), then in the absence of relevant biodiversity information the LPA may judge the application to be invalid.

Conditions & Obligations

Planning conditions or, where financial contributions are required, planning obligations, will often be appropriate means for ensuring effective mitigation, compensation and enhancement. These are dealt with on a case by case basis and should be based on the ecological impact of a development and the measures that are necessary to offset these. The preparation of conditions and obligations should be based on what can be achieved on site in the first instance before any off-site measures are considered. Where possible this should be achieved through conditions as these are enforceable.

Government guidance on the role of planning conditions for development that affects a European protected site (such as a pSPA) is clear and helpful in this matter. This guidance makes it clear that conditions can be used to ensure that site integrity is not adversely affected and that any risk to that integrity is prevented. This principle should apply to all developments that affect biodiversity.

A condition precedent which states “No development should take place until...” should be used where relevant for biodiversity related conditions so that the relevant details that the condition is referring to will have to be submitted to and approved by the LPA before any development can take place. In ecological terms, a condition appended to any granted planning permission should be capable of being measured and/or monitored in order to ensure the effectiveness and completeness of its delivery.
If a Section106 Agreement is used to enforce ecological elements of an application, it is very important that these elements are capable of ongoing measuring and monitoring, as appropriate, and that a properly costed approach is taken. This will ensure that adequate finances are allocated to cover the delivery of ecological elements and their ongoing maintenance. In line with the new Community Infrastructure Levy (CIL) regulations such contributions should be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development and its ecological impacts
- Related in scale to the development

**Construction & Aftercare**

The on-going positive conservation management of habitats in relation to a development site, whether they are retained or newly created habitats, should be undertaken in perpetuity. If a time frame is required, management in perpetuity can be defined as a minimum of 25 years based on habitat banking recommendations. However, in some cases a time frame of 60 years or even 125 years may be justified. The approach taken for mitigation or compensation may need to be different from that which is taken for enhancement measures.

If the development has potential impact on a protected species a Method Statement is required as part of the European Protected Species licence application process, and should include methodology detailing how the long term conservation status of the local and UK protected species populations will be maintained and where possible enhanced.

As a project progresses to the construction phase it is imperative that the mitigation strategies outlined in the environmental statement (or other ecological reports) are put into practice. As best practice a Construction Environmental Management Plan is often used for this purpose. An environmental risk assessment will be undertaken as part of this to identify all aspects of construction that could have an environmental impact and assesses the potential risk and impact of that activity on the environment. Management controls are then devised to eliminate and/or minimise those identified impacts.

Where there is a sizeable amount of retained habitat and/or a significant amount of new habitat created the production of an Ecological Management Plan (EMP) and approval of this by the local planning authority may be required by a planning condition. The EMP identifies the biodiversity features on the site (existing or to be created) which will be managed to maintain and enhance the nature conservation value. The management plan sets out objectives for these habitats, with detailed management specifications as well as at least a 10-year monitoring programme. The EMP must be fully costed and set out clearly how the management and monitoring will be funded.

Where the ecological impacts of a development are significant or the development site is large and includes a range of ecological features, the employment of an Ecological Clerk of Works (ECoW) should be considered as best practice. The role of the ECoW is to guide and advise on how to avoid or minimise on-site ecological impacts during site preparation works and the construction phase. An ECoW will oversee the construction period and advise on the resolution of ecological issues as they arise, to protect the on-site features, habitats and species. An ECoW will ensure that all landscaping and ecological works, including habitat creation projects and mitigation for protected species, are undertaken in accordance with the Ecological Management Plan and the various method statements agreed with the Local Planning Authority.
Glossary

Biodiversity
Biodiversity simply means the variety of life (biological diversity). The biodiversity of a particular habitat or ecosystem is represented by the number of species within it. Biodiversity is often a measure of the health or quality of an ecosystem; with greater biodiversity indicating better health.

Biodiversity Action Plan (BAP)
In 1992, at the Earth Summit in Rio, the UK government, along with 150 other countries, signed the Convention on Biological Diversity. The UK’s strategy in response was the UK Biodiversity Action Plan, launched in 1994. Local Biodiversity Action Plans (LBAPs) followed the recognition that “biodiversity is ultimately lost or conserved at the local level.” They identify priorities for action and give guidance on implementing targets to reverse the loss of habitats and species.

Community Infrastructure Levy
The Community Infrastructure Levy (the levy) came into force in April 2010. It allows local authorities in England and Wales to raise funds from developers undertaking new building projects in their area. The money can be used to fund a wide range of infrastructure that is needed as a result of development. This includes transport schemes, flood defences, schools, hospitals and other health and social care facilities, parks, green spaces and leisure centres.

Compensation
Compensation is usually carried out offsite and involves major habitat restoration or creation to offset what is being lost.

Construction Environmental Management Plan (CEMP)
As a project progresses to the construction phase it is imperative that the mitigation strategies outlined in the environmental statement (or other ecological reports) are put into practice. A Construction Environmental Management Plan is often used for this purpose and should include a strong ecological element. An Environmental Risk Assessment will be undertaken to identify all aspects of construction that could have an environmental impact and assesses the potential risk and impact of that activity on the environment. Management controls are then devised to eliminate and/or minimise those identified impacts.

Ecological Clerk of Works (ECoW)
As best practice and where ecological impact is significant an ECoW should be employed. The role of the ECoW is to guide and advise on how to avoid or minimise on-site ecological impacts. An ECoW will oversee the construction period and advise on the resolution of ecological issues as they arise, to protect the on-site features, habitats and species. An ECoW will ensure that all landscaping and ecological works, including habitat creation projects and mitigation for protected species, are undertaken in accordance with the Ecological Management Plan and the various method statements agreed with the Local Planning Authority.

Environmental Impact Assessment (EIA)
The term 'environmental impact assessment' (EIA) describes a procedure that must be followed for certain types of project before they can be given 'development consent'. The procedure is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing them, are properly understood. Information on the ecological component of EIA's can be found at: www.ieem.net/ecia
Ecological Management Plan
The Ecological Management Plan identifies the biodiversity features on the site (existing or to be created) which will be managed to maintain and enhance their nature conservation value. The management plan sets out objectives for these habitats, with detailed management specifications as well as at least a 10-year monitoring Programme.

European Protected Species
European Protected Species are animals and plants that receive protection under The Conservation of Habitats and Species Regulations 2010. From 1st April 2010, this legislation updates and consolidates all the amendments to the Regulations since they were first made in 1994. A full list of all species listed on Annex IV of the Habitats Directive with common names can be found at: www.naturalengland.org.uk/ourwork/regulation/wildlife/species/europeanprotectedspecies.aspx

Green Infrastructure
A planned network of multifunctional green spaces and interconnecting links.

Habitat
A habitat is an ecological or environmental area that is inhabited by a particular species or population of species of animal, plant or other type of organism. It is the natural environment in which an organism lives, or the physical environment that surrounds (influences and is utilized by) a species population.

Habitats Regulation Assessment (HRA)
A statutory undertaking by any competent authority before giving permission for any plan or project which may affect a European site.

Method Statement
A Method Statement is required as part of the European Protected Species licence application process and should include methodology detailing how the long term conservation status of the local and UK protected species populations will be maintained and where possible enhanced.

Mitigation
Mitigation can be defined as taking steps on the site itself to avoid and minimise damage to biodiversity and carry out restoration work.

Mitigation Strategy
There are some protected species, such as water voles and adder, for which there is no licensing system. In these cases, the scope of mitigation, some times referred to as a Mitigation Strategy, is agreed at local level by Natural England.

Phase 1 Habitat Survey
This survey identifies the habitats that are contained within or make up a site, and the key plant species for each of those habitat types. It will also provide target notes on important aspects of the site, for example, the presence of rare plants or animals, or a special habitat feature such as an ancient hedgerow. Some consultants carry out what are called extended Phase 1 surveys that provide more information, particularly on vegetation of a site, than a Phase 1 survey.

pSPA
Proposed Special Protection Areas are strictly protected sites that are in the process of being classified in accordance with Article 4 of the EC Birds Directive, which came into force in
April 1979. They are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species. Proposed SPAs must be given the same consideration as a classified SPA in the planning system.

**Significant harm**
Harm to biodiversity is considered to be significant (for the purpose of this document) when it results in a long term negative impact on an important site, a BAP habitat or a population of an important (protected, notable, or BAP) species.

**Sustainable (Urban) Drainage System (SUDS)**
The idea behind SUDS is to try to replicate natural systems that use cost effective solutions with low environmental impact to drain away dirty and surface water run-off through collection, storage, and cleaning before allowing it to be released slowly back into the environment, such as into water courses.

**1APP**
The Standard Planning Application Form (1APP) was introduced by Communities and Local Government and the Welsh Assembly Government to replace all existing types of planning application forms (except minerals) within England and Wales.
## Appendix 1: Biodiversity Checklist

<table>
<thead>
<tr>
<th>Initial Impressions</th>
<th>Yes</th>
<th>No</th>
<th>Survey Requirements (if answer yes)</th>
<th>Action?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the proposal involve a loft conversion, alteration or demolition of a barn or building, or erection of a wind turbine?</td>
<td>Yes</td>
<td>No</td>
<td><strong>Bat and bird survey</strong>&lt;br&gt;These operations may affect bats and birds which are protected by law. Natural England must be contacted regarding licensing if bats are found.&lt;br&gt;Only exception is open sided barns of metal construction.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Assessment of trees for bat roost potential &amp; other biodiversity</strong> (invertebrates and fungi)&lt;br&gt;<strong>Hedgerow Regulations Assessment</strong> (for hedgerows)&lt;br&gt;Hedgerows are a priority BAP habitat and should be retained and enhanced. Where retention is not possible they should be replaced and increased in length.&lt;br&gt;Ancient and veteran trees should also be retained, and other significant trees should be protected. Where there are proposals to develop land and there are trees that may be affected it is often necessary to request developers to carry out a tree survey. Guidance on such surveys is given by the <a href="https://www.gov.uk/government/publications/bs-5837-2005-guide-for-trees-in-relation-to-construction">British Standard Guide for Trees in Relation to Construction: BS 5837:2005</a>. The local planning authority should also be consulted for the presence of any specific Tree Preservation Orders in relation to the site.</td>
<td></td>
</tr>
<tr>
<td>Does the proposal involve the removal of trees or hedgerows?</td>
<td>Yes</td>
<td>No</td>
<td><strong>Phase 1 Habitat Survey</strong> (see glossary) &amp; further surveys (for protected species etc.) as identified by the ecologist (e.g. badgers, bats, reptiles, invertebrates).&lt;br&gt;These are all priority habitats in the Northamptonshire Biodiversity Action Plan. All areas of these habitats should be retained and enhanced. See <a href="http://www.northamptonshirebiodiversity.org">www.northamptonshirebiodiversity.org</a>, and if in doubt contact the Northamptonshire BAP Coordinator.</td>
<td></td>
</tr>
<tr>
<td>Does the development footprint affect semi-natural habitats such as woodland, grassland, ponds, orchards, heathland or reedbed?</td>
<td>Yes</td>
<td>No</td>
<td><strong>An ecological survey</strong> will be required to assess the potential effects from the proposal.&lt;br&gt;<strong>Habitats Regulation Assessment</strong> will be required for any development that may impact on the Upper Nene Valley Gravel Pits pSPA.&lt;br&gt;Contact Natural England for information on pSPA/SSSIs&lt;br&gt;Contact The Wildlife Trust for Local Wildlife Sites or Potential Wildlife Sites.</td>
<td></td>
</tr>
<tr>
<td>Does the development potentially impact protected species?</td>
<td>Yes</td>
<td>No</td>
<td><strong>Natural England Standing Advice for Local Authorities – Protected Species (draft)</strong>&lt;br&gt;This standing advice will help Local Authority planners or ecological consultants decide when to request or carry out protected species surveys to accompany a planning application. The survey requirements are based upon the habitats that are present on an application site and the likelihood of a species being present.</td>
<td></td>
</tr>
<tr>
<td>Does the proposal utilise previously developed (brownfield) land?</td>
<td>Yes</td>
<td>No</td>
<td><strong>Phase 1 Habitat Survey</strong> including assessment for reptiles and invertebrates.&lt;br&gt;The habitats that arise on previously developed land can be very valuable for plants, reptiles and invertebrates. This includes old/restored quarries, landfill sites, railway lines, derelict land.</td>
<td></td>
</tr>
</tbody>
</table>
### Appendix 1: Biodiversity Checklist

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the proposal include/come into close proximity of a watercourse (stream, river, gravel pit, lake, ditch etc)?</td>
<td>An ecological survey will be required to assess the habitat and impacts on associated protected/notable species such as otter, water vole, white-clawed crayfish. Impacts may be indirect – e.g. decline in water quality, otters killed on new roads</td>
</tr>
</tbody>
</table>
| Does the proposal lie in a corridor of green spaces or have the potential to provide habitat corridors or stepping stones? | Green Infrastructure/habitat connectivity assessment  
Assess how the inclusion of a corridor of natural habitats, based on the existing biodiversity value of the site, and perhaps included within a Green Infrastructure corridor, can act to connect biodiversity resources together and climate change proof the landscape. Refer to the BAP[^15], Northamptonshire’s Landscape Character and Green Infrastructure Suite[^16], and Natural England Guidance[^23]. For larger applications/SUE this must be considered at the earliest stage – contact The Wildlife Trust |

[^15]: BAP[^15]  
[^16]: Northamptonshire’s Landscape Character and Green Infrastructure Suite[^16]  
[^23]: Natural England Guidance[^23]
Appendix 2: Survey Calendar (CIRIA C587, from http://www.ciria.org, adapted by The Wildlife Trust for use in this document)

Guidance on the optimal timing for carrying out specialist ecological surveys and mitigation

This is not definitive and is intended to provide an indication only. The timing of surveys and animal activity will be dependent on factors such as weather conditions. Please consult the species briefing sheets for more detailed information, including additional species and distribution at CIRIA’s working with wildlife online resource.

* Where survey techniques involve the capture, handling or disturbance of protected species then only licensed persons can undertake surveys; personal survey and monitoring licences are obtained from Natural England.

** Where mitigation involves the killing, capture, injury and/or disturbance of protected species and/or the damage, destruction or obstruction of their habitats, a development licence must be obtained from the Department for Food and Rural Affairs. Licenses will be granted only to persons who have proven competence in dealing with the species concerned. Development licence applications take approximately 30 days to be processed by government departments. Where mitigation works need to be conducted under licence before works begin, licence applications will need to be submitted considerably earlier.
2 The extent of legal protection of the water vole has been extended to fully protect the animals and their habitats.
### Appendix 2: Survey Calendar

(CIRIA C587, from [http://www.ciria.org](http://www.ciria.org), adapted by The Wildlife Trust for use in this document)

<table>
<thead>
<tr>
<th>Other reptiles</th>
<th>Licence required?</th>
<th>J</th>
<th>F</th>
<th>M</th>
<th>A</th>
<th>M</th>
<th>J</th>
<th>J</th>
<th>A</th>
<th>S</th>
<th>O</th>
<th>N</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surveys</td>
<td>N</td>
<td>No surveys – reptiles in hibernation</td>
<td>Activity surveys from March to June and in September / October. Surveys are limited by high temperatures during July and August. Peak survey months are April, May and September.</td>
<td>No surveys – reptiles in hibernation</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Mitigation</td>
<td>N</td>
<td>Scrub clearance</td>
<td>Capture and translocation programmes can only be conducted whilst reptiles are active (March to June and September / October). Trapping is limited by high temperatures during July / August.</td>
<td>Scrub clearance</td>
<td></td>
<td></td>
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<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Great crested newts (n/a in NI)</th>
<th>Licence required?</th>
<th>J</th>
<th>F</th>
<th>M</th>
<th>A</th>
<th>M</th>
<th>J</th>
<th>J</th>
<th>A</th>
<th>S</th>
<th>O</th>
<th>N</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surveys</td>
<td>*</td>
<td>No surveys – newts in hibernation</td>
<td>Pond surveys for adults: mid-March to mid-June. Surveys must include visits undertaken between mid-April and mid-May. Egg surveys April to mid-June. Larvae surveys from mid-May. Terrestrial habitat surveys</td>
<td>No surveys – newts in hibernation</td>
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</tr>
<tr>
<td>Mitigation</td>
<td>**</td>
<td>No trapping of newts Pond management only</td>
<td>Newt trapping programmes in ponds and on land</td>
<td>No trapping of newts Pond management only</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Natterjack Toads</th>
<th>Licence required?</th>
<th>J</th>
<th>F</th>
<th>M</th>
<th>A</th>
<th>M</th>
<th>J</th>
<th>J</th>
<th>A</th>
<th>S</th>
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<th>N</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surveys</td>
<td>*</td>
<td>No surveys – toads in hibernation</td>
<td>Surveys of breeding ponds for adults. Surveys for tadpoles from May onwards. Surveys for adults on land.</td>
<td>No surveys – toads in hibernation</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Mitigation</td>
<td>**</td>
<td>Pond management works</td>
<td>Trapping of adults in ponds from April to July. Trapping of tadpoles on land.</td>
<td>Pond management works</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>White-clawed crayfish</th>
<th>Licence required?</th>
<th>J</th>
<th>F</th>
<th>M</th>
<th>A</th>
<th>M</th>
<th>J</th>
<th>J</th>
<th>A</th>
<th>S</th>
<th>O</th>
<th>N</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surveys</td>
<td>*</td>
<td>Reduced activity</td>
<td>Surveys can be undertaken. Avoid surveys (females are releasing young). Optimum time for surveys</td>
<td>Reduced activity</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Mitigation</td>
<td>***</td>
<td>Avoid capture programme (low activity levels may lead to animals being easily missed)</td>
<td>Exclusion of crayfish from construction areas. Avoid capture programme</td>
<td>Exclusion of crayfish from construction areas</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Fish</th>
<th>Licence required?</th>
<th>J</th>
<th>F</th>
<th>M</th>
<th>A</th>
<th>M</th>
<th>J</th>
<th>J</th>
<th>A</th>
<th>S</th>
<th>O</th>
<th>N</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surveys</td>
<td>*</td>
<td>For coastal, river and stream-dwelling species, the timing of surveys will depend on the migration pattern of the species concerned. Where surveys require information on breeding, the timing of surveys will need to coincide with the breeding period, which may be summer or winter months, depending on the species.</td>
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</tr>
<tr>
<td>Mitigation</td>
<td>**</td>
<td>Mitigation for the protection of watercourses is required at all times of year. Mitigation for particular fish species will need to be timed so as to avoid the breeding season. This varies from species to species.</td>
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</tbody>
</table>

*** Where mitigation involves the capture of white-clawed crayfish, a mitigation licence must be obtained from Natural England. Licences will be granted only to persons who have proven competence in dealing with the species concerned.
Appendix 3: Validation Process

Application is received

Has applicant answered ‘Yes’ to any part of the biodiversity and geological conservation question on the 1 App Standard Application Form?

Yes

No

Have any ecological surveys and assessments been submitted with the application?

No

Yes

Where the applicant has answered ‘No’

Is this correct? Has it been accompanied by a statement explaining why & acknowledging that the applicant is aware that it is a criminal offence to disturb or harm protected species should they subsequently be found or disturbed? (Compare the application to the biodiversity checklist; if the answer is no to all of the questions then yes, it is correct, application is valid)

No

The planning proposal does involve features identified in the biodiversity checklist

Has the applicant claimed that exceptions apply and they do not need to submit a survey and report?

Yes

No

Are the exceptions confirmed as correct? Is the answer ‘no’ to all questions in the biodiversity checklist?

Yes

No

Application is Invalid

Application is Valid

Do submitted ecological surveys and assessments satisfy the LPA’s requirements?

Compare to the Biodiversity Checklist to identify whether the correct surveys have been carried out.
Appendix 4: Best Practice Case Study

Examples relating to other types of development can be found at http://www.biodiversityplanningtoolkit.com/default.asp

Cambourne, Cambridgeshire

The creation of a new settlement between Cambridge and Bedford which contains 4,200 new homes shows how biodiversity conservation formed an integral part of the development masterplan. Natural features are being used to enhance the quality of life for existing and future residents. Biodiversity was considered at an early stage of this development, with the developers employing ecologists as part of the design team. The design process involved identifying, protecting and managing all existing valuable biodiversity features as part of a green infrastructure, creating new areas of habitat and incorporating ecological corridors which provide pedestrian and cycle ways through the site. The design is intended to bring nature in Cambourne right up to residents’ doorsteps.

This good practice example shows how the existing biodiversity (which was relatively limited) was protected and how areas of new wildlife interest can be created. The long-term management of the green spaces for biodiversity and people has been secured through a Section 106 agreement. Two members of staff are employed to manage 80 ha of land for nature conservation, including woodland, grassland, lakes and Sustainable Urban Drainage System wetlands.

Cambourne Masterplan 1995 (Terry Farrell & Partners)
Appendix 4: Best Practice Case Study

The Process:

Gather Information
Surveys in 1994 indicated that the proposed site contained:

- Four square kilometres of arable land
- A few ditches
- Hedges
- Isolated houses and gardens
- Small scattered woodlands
- An active badger population
- A small great crested newt population
- Bats were present
- Considerable invertebrate interest in one of the woodlands.

Assessment of Impact
- Loss of existing hedgerows was likely.
- Possible negative impact on badgers and great crested newts was identified.
- Further isolation and degradation of woodlands was probable due to separation by housing development and road infrastructure and increased use by people.
- Run-off into ditches and watercourses was likely to increase in volume and decrease in quality.

Avoidance and Mitigation
- All important hedgerows have been retained and 11 miles of new hedgerow planted.
- Strategies were produced and implemented to avoid any harm to badgers or great crested newts.
- The badger population has been protected and continues to thrive. Custom-designed ditches provide new sett locations and badger tunnels are well-used.
- All existing woodland has been retained and enhanced and 160 acres of new woodland has been planted.
- Sustainable Urban Drainage systems have been put in place to ensure water quality and quantity is managed within the site.

Compensation
None needed

Enhancement
- Two ‘valleys’ separating the ‘villages’ were deepened (using subsoil from road and building foundations) and designed as Country Park areas with hedged fields, streams, lakes, grassland and trees.
- An EcoPark has been created around existing woodland and the enhanced stream, with new reedbeds, marshes, ‘ridge and furrow’ grasslands, and a small area of wood pasture.
- Bat and bird boxes have been erected in suitable habitats across the site.
- Seven on-line lakes, connected by streams, have been created in the two valleys.
- Greenways connect green habitat to the village centres.
- Beyond the built-up areas all planting is confined to native species found in Cambridgeshire.
Appendix 4: Best Practice Case Study

Construction and Aftercare
- The employment of an Ecologist to oversee the construction phase was ensured through the Section 106 agreement. Surveys and studies have been ongoing on the site to ensure the success of the management plan.

Conditions and Obligations
- S.106 agreement covering the production of an Ecological Management Plan and implementation and monitoring of the management plan, by organisations agreed by the Council.
  - Conditions to ensure:
    - Production of a landscaping scheme
    - Scheme for phased provision of public open space and its permanent maintenance
    - Great crested newt and badger survey updates and schemes for the protection of these species.

Achievements to Date
- The population of great crested newts is expanding in both numbers and range as the new water bodies mature.
- Water voles and water shrews have colonised the site and are taking advantage of the new lakes and ditches.
- 115 species of bird have been recorded on site, about 40 of which are new since 1996.
- 65 bird species have bred on the site and as new lakes mature, the number and variety of waterfowl is increasing.
- The number of butterfly and dragonfly species has increased steadily to 25 and 17 respectively.
- Pipistrelle bats now breed on the site and noctules and Daubenton’s bats have also been recorded.
- The residents are enthusiastic about their environment and many, particularly the children, take a considerable interest in the wildlife around them.

“The landscape and environment are exceptional – the open spaces and their value for people and wildlife. It wasn’t expensive though. A lot of detailed thought went into it.”

Dick Longdin, Master Planner (Randall Thorpe, Landscape Master Planners)
Appendix 5: Useful Contact Details

Environment Agency

www.environment-agency.gov.uk

Institute of Ecology and Environmental Management

Find an expert: http://www.ieem.net/ieemdirectory.asp

Natural England

Enquiry service: 0845 600 3078
Northamptonshire, Leicestershire and Rutland Team
(Nottinghamshire Office): 0300 060 6000
www.naturalengland.org.uk
www.naturalengland.org.uk/regions/east_midlands

Northamptonshire BAP Coordinator

Contact via http://www.northamptonshirebiodiversity.org

Northamptonshire Biodiversity Records Centre

Contact via http://www.northamptonshirebiodiversity.org
Tel: 01604 400448

Royal Society for the Protection of Birds (RSPB)

Banbury office: 01295 253330
www.rspb.org.uk

The Wildlife Trust for Bedfordshire, Cambridgeshire, Northamptonshire and Peterborough

Northampton office: 01604 405285
http://www.wildlifebcnp.org
Appendix 5: Useful Contact Details
Appendix 5: Useful Contact Details


2 Natural Environment and Rural Communities Act (2006) Section 40.


6 R (on the application of Simon Woolley) v Cheshire East Borough Council. (2009). The judgment clarifies for the first time the legal duty of a LPA when determining a planning application for a development which may have an impact on European Protected Species (EPS), such as bats, great crested newts, dormice or otters.

7 ODPM (2005) Planning Policy Statement 1: Delivering Sustainable Development


19 NNJPU (in production) North Northamptonshire Developer Contributions SPD.

Appendix 5: Useful Contact Details

21 Luton Dunstable Guided Busway 07/01780/OUT (Luton Borough Council, Bedfordshire), 2006, habitat mitigation works.

22 The Perpetuities and Accumulations Act 2009.
