

Part 1: Issues Raised Through the Preferred Options Consultation

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
Introduction				
19.1	19.1.1	Habitat-based contextual LNP Ecological Network maps in places bear little or no relation to the map of Habitats and Biodiversity plan as presented in the Background and Overview document. It is important that up-to-date evidence is used.	The council cannot control the detail of maps produced by external parties in documents prepared for a particular purpose. The Plan refers to the need to refer to up-to-date evidence and to work with the Council's partners in these matters.	No amendment in response to this issue
19.2	19.1.1	Herts Ecology support the view that the natural environment is one of the districts greatest resources.	Support noted and welcomed.	No amendment in response to this issue
Nature Conservation				
19.3	19.2	Should refer to the Hertfordshire Environmental Records Centre as the primary resource for ecological data.	Paragraph 19.2.2 can be expanded to add reference to HERC (and others as appropriate).	<p>Amendment to text (para 19.2.2 and new 'orange box')</p> <p>...The Council will <u>continue to work with the Hertfordshire Environmental Records Centre as the primary resource for ecological data in the County</u>.refer to the most up-to-date position <u>Applicants will be expected to seek the advice of the Herts and Middlesex Wildlife Trust, the Hertfordshire Environmental Records Centre, Hertfordshire Ecology at the County Council, Countryside Management Service, Natural England, and other relevant local nature partnerships where appropriate, where proposals affect or have the potential to affect the natural environment and nature conservation assets.</u></p>
19.4	19.2	Herts and Middlesex Wildlife Trust (HMWT) suggest there are a few documents that could be referenced: Gunnell, Murphy and Williams (2013) <i>Designing for Biodiversity – A technical guide for new and existing buildings</i> . 2 nd ed. RIBA and BCT; RSPB (2013) <i>Planning Naturally. Spatial planning with nature in mind: in the UK and beyond</i> ; TCPA	If all references are included there is a danger that the majority of this chapter will become no more than a reference guide to these other documents. The chapter already references the HMWT which acts as a gateway to these other useful documents.	No amendment in response to this issue

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		and the Wildlife Trusts (2012) <i>Planning for a Healthy Environment – Good practice guidance for green infrastructure and biodiversity</i> .	The RIBA and BCT guide can only be obtained at a cost and only freely accessible information will be linked to in the District Plan.	
19.5	Table 19.1	Herts Ecology and HMWT note that the descriptions in Table 19.1 are a little inaccurate and make suggestions to make them more accurate. Glossary definition at end of plan is correct. HMWT comment that is an excellent example of a Natural Environment chapter already.	Table 19.1 will be amended to elaborate this and to make the description of Wildlife Sites more accurate. It is also worth noting that local wildlife sites are just as valuable as SSSIs in terms of their ecology.	<p>Amendment to Table 19.1</p> <p>National <u>Sites designated by Natural England under the Wildlife and Countryside Act 1981. Protection of the most significant sites for the conservation of wildlife (species & habitats) and/or geology.</u></p> <p><u>At Least</u> Local Places of special local wildlife, or geological <u>or educational</u> interest or significance identified by local authorities. <u>Where these sites are also designated as SSSIs they will be a national importance.</u></p> <p>Local Sites of importance for their scientific, educational and historical value as well as their visual qualities. <u>Designated land of local and regional importance defined as discrete areas of land considered to be of significance for their wildlife features. They are the most important places for wildlife outside legally protected land such as SSSIs and can be as ecologically valuable as SSSIs.</u></p>
19.6	19.2.5	Paragraph should acknowledge that Broxbourne Woods also includes Bencroft Wood and Broxbourne Wood (Herts CC owned), Hoddesdon Wood and Wormley Wood (owned by Woodland Trust). All are within the National nature Reserve (NNR) and are Sites of Special Scientific Importance (SSSI's) and home too many rare and scarce Woodland Wildlife.	Paragraph 19.2.5 could be expanded to include these references.	<p>Amendment to text (para 19.2.5)</p> <p>The only National Nature Reserve (NNR) in Hertfordshire is located in the south of the district at Broxbourne-<u>Hoddesdonpark</u> Woods. <u>The Nature Reserve contains several woodlands of SSSI status, which are home to many rare and scarce woodland wildlife.</u></p>

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19.7	19.2.7	The text should be amended to read 'Hertfordshire Local Wildlife Sites Partnership'.	Agreed.	<p>Amendment to text (para 19.2.7)</p> <p>Local Wildlife Sites are identified by the Hertfordshire <u>Local</u> Wildlife Sites Partnership, which is a partnership approach to the identification....</p>
19.8	19.2.7	<p>The list of sites in paragraphs 19.2.3 to 19.2.7 need to clarify the difference between sites that are designated by Natural England or included in local lists or those listed as HMWT reserves. The HMWT reserves are all considered on an equal footing and recommend removing reference to four flagship reserves.</p> <p>Recommended wording 'There are also 14 Herts & Middlesex Wildlife Trust Nature Reserves in the district, seven of which are SSSIs and one is a Local Nature Reserve (under the National Parks and Access to the Countryside Act 1949 as amended)'.</p> <p>HMWT note the only site in East Herts which is known to be listed as a Local Nature Reserve by Natural England is Waterford Heath (also a HMWT nature reserve).</p>	Agreed. Paragraph 19.2.7 amended for clarity.	<p>Amendment to text (para 19.2.7)</p> <p>Local Wildlife Sites in the district are identified by the Hertfordshire <u>Local</u> Wildlife Sites Partnership which is a partnership approach to the identification, selection, assessment and protection of Local Wildlife Sites in the County, led and coordinated by the Herts and Middlesex Wildlife Trust. Local Wildlife Sites (WS) are considered to be of significance for wildlife in at least a district context. There are currently 573 Wildlife Sites in the district covering 3,462 hectares. There are also currently 14 <u>Herts and Middlesex Wildlife Trust Reserves in the district, seven of which are SSSIs and one, Waterford Heath, is a</u> Local Nature Reserves (LNR) (<u>under as protected by the National Parks and Access to the Countryside Act, 1949 as amended</u>) in the district, including 4 Flagship Reserves:</p> <p>Amwell Balls Wood Kings Meads Rye Meads</p>
19.9	19.2.8	HMWT recommend that the need to protect and restore ecological networks is made more prominent in the plan as a whole. Landscape-scale conservation and restoration recognises the importance of all sites including those in urban areas as contributing to wildlife and ecosystem services. It should be embedded in the Natural Environment policies.	Paragraph 19.2.8 could be expanded to include reference to the need to protect and enhance landscapes and non-designated sites.	<p>Amendment to text (para 19.2.8)</p> <p>Distinctions will be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and appropriate weight will be given to their importance and the contribution they make to wider ecological networks. <u>It is however, important that opportunities are taken to</u></p>

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				<u>enhance biodiversity wherever possible, especially in urban areas, as even non-designated environments contribute significantly to the success of the wider ecological network.</u>
19.10	NE1	Natural England appreciate the intention to give internationally and nationally designated sites the highest level of protection, however, the NPPF states: 'Distinctions should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks'.	Initial drafts of the policies did distinguish between sites of different status. However, it was considered that this diluted the strength of protection for sites of less status. These sites play an important role in the wider ecological network, not least because their number are far greater than higher status sites and they often contribute to the success of higher status sites. A new Policy could be created to refer to only non-designated sites of nature conservation importance.	<p>New Policy NE2</p> <p><u>NE2 Sites of Nature Conservation Interest (Non-Designated)</u></p> <p><u>I. All proposals should achieve a net gain in biodiversity and avoid harm to, or the loss of features that contribute to the local and wider ecological network.</u></p> <p><u>II. Proposals will be expected to apply the mitigation hierarchy of avoidance, mitigation and compensation, and integrate planting and landscaping into the overall design.</u></p>
19.11	NE1	Herts Ecology states that a variety of site types are mentioned, though smaller sites that may be wildlife havens but which do not fall within these categories are not mentioned.	Additional text is to be added to paragraph 19.2.8 (see above issue number 19.9). A new policy could be created to refer to non-designated sites (see above issue number 19.10).	<p>Amendment to text (para 19.2.8) and New Policy NE2</p> <p>See above</p>
19.12	NE1	The Lee Valley Regional Park Authority support Policy NE1. They note that Amwell and Rye Meads SSSIs are identified as two of the Districts Flagship Reserves. Both could face pressure from future development.	<p>Support noted and welcomed.</p> <p>Reference to Amwell and Rye Meads as flagship reserves has however been deleted on the advice of the Herts and Middlesex Wildlife Trust. Although historically referred to as 'flagship reserves', all HMWT reserves are now considered on an equal footing. (see Issue 19.8)</p>	No amendment in response to this issue
19.13	NE1	HMWT and the Lee Valley Regional Park Authority suggest that both Policy NE1 and NE2 should require applicants to submit sufficient and up-to-date info (ecological surveys by competent ecologist) where habitat or features of potential value to the wildlife are affected. Where an applicant fails to provide sufficient information,	<p>Agreed. Policy NE1 amended to address this.</p> <p>Policy NE2 amended in Issue 19.37</p>	<p>Amendment to Policy NE1</p> <p>I. Development proposals, land use or activity (either individually or in combination with other developments) which are likely to have a detrimental impact which adversely affects the integrity of a site, will not be</p>

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		<p>planning permission should be refused (in line with NPPG para 008 and 016). Having adequate information is necessary for the council to ensure that its policy requirements and its statutory duty are met in terms of being able to assess whether net gains have been achieved.</p> <p>The LVRPA stress the importance of carrying out wildlife and habitat surveys in advance of submitting applications.</p>		<p>permitted unless it can be demonstrated that there are reasons which clearly outweigh the need to safeguard the nature conservation value of the site, and any broader impacts on the international, national, or local network of nature conservation assets. <u>Evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application. Where insufficient data is provided, permission will be refused.</u></p>
19.14	NE1 Part III	<p>Natural England considers that there is an overemphasis on compensation. The Policy should be more in line with the measures included in Para. 152 of the NPPF: 'wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate'.</p> <p>The policy should be more proactive in terms of seeking a net gain of biodiversity in line with Para. 9 of the NPPF 'pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment.... including...moving from a net loss of bio-diversity to achieving net gains for nature.'</p> <p>Herts Ecology state something similar: NE1 should include a Mitigation Hierarchy as outlined in NPPF. This considers: Information, Avoidance, Mitigation and Compensation. Where development cannot satisfy requirements planning permission should be refused (NPPF para 118).</p>	Agreed. Policy NE1 amended to highlight the need to avoid making such harm in the first place.	<p>Amendment to Policy NE1 Part III</p> <p>III. In exceptional circumstances where proposals are allowed which would damage the nature conservation value of the International, National or Local Site, any adverse impact to designated sites should only occur as a last resort, and should be compensated by replacement with a feature of comparable or higher ecological value.</p> <p><u>Proposals should avoid impacts on sites of nature conservation value and wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate. Such compensatory schemes should seek to achieve a net gain for nature and the</u></p> <p>The District Council will consider the use of conditions and/or planning obligations to provide <u>secure</u> appropriate mitigation/compensation.</p>

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19.15	NE1 + NE2 (now NE3)	Herts Ecology note NE1 effectively duplicates NE2 by including reference to Priority Species and Habitats and the aspect of Policy on Species and Habitats.	Policy NE1 part II will be changed to refer to sites of international or national nature conservation importance rather than to priority species or habitats. Also in reference to the Herts Ecology comment on where proposals do not satisfy requirements they should be refused, this section of the Policy NE1 should make this clear.	Amendment to Policy NE1 Part II II. Where a priority species or habitat on the site <u>of International or National designation for nature conservation importance</u> is adversely affected by the proposals, <u>permission will be refused unless</u> the District Council is <u>will need to be satisfied that:</u> ...
Species and Habitats				
19.16	19.3	Strongly welcomed by the HMWT	Support noted and welcomed	No amendment in response to this issue
19.17	19.3	Swifts and other bird species need to be taken into account during development as they are present in every proposed housing location. We should ensure there is a space for nature.	This is related to the wider issue raised of needing to be more proactive in seeking net gains in biodiversity. Policy NE2 should be amended to make this proactive approach the priority rather than focussing on where harm could occur. Proposed amendment to paragraph 19.3.8 (renumbered 19.3.10)	Amendment to Policy NE2 (now Policy NE3) <u>VIII. Integrated bird and bat boxes will be expected in all development bordering public green space and beneficial habitat.</u> Amendment to text (para 19.3.8 (renumbered 19.3.10)) 19.3.10 ... <ul style="list-style-type: none"> Provision of roosting opportunities for bats <u>and birds</u>...
19.18	19.3.2	Herts Ecology note that 19.3.2 should include reference to role that maintaining and enhancing biodiversity plays in securing Ecosystem Services e.g. Pollination, hydrology, pest control etc.	Agreed. Paragraph 19.3.2 expanded to refer to these benefits.	Amendment to text (para 19.3.2) Biodiversity describes the number and variety of species of plants and animals within a habitat and also the diversity of habitats within an ecosystem. Biodiversity has economic importance, adds to our quality of life and contributes to local distinctiveness <u>as well as securing Ecosystem Services such as pollination, hydrology and pest control for example.</u>
19.19	19.3.3	The Environment Agency supports this paragraph.	Support noted and welcomed. Reference to habitats also added to paragraph	No amendment in response to this issue

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			(see issue number 19.20).	
19.20	19.3.3	Herts Ecology note 19.3.3 should refer to both priority species and habitats, as listed under S41 of the 2006 NERC Act.	Agreed. Paragraph 19.3.3 amended to make this clear.	Amendment to text (para 19.3.3) Whilst protecting priority species <u>and habitats (as listed under Section 41 of the Natural Environment and Rural Communities Act 2006)</u> is important, if biodiversity is to be genuinely enhanced, the conservation of all wildlife and habitats needs to be at the centre of development and planning decision making.
19.21	19.3.4	Herts Ecology support reference to the BAP but advise that this has now largely been replaced by the LNP strategies which develop the BAP further.	The BAP is still important in strategic terms but the Plan should make more reference to the Local Nature Partnership in general. A new paragraph should be included to refer to the LNP.	Amendment to text (new para 19.3.5) <u>19.3.5 The Hertfordshire Local Nature Partnership (LNP), working in conjunction with Herts and Middlesex Wildlife Trust, Hertfordshire County Council and Natural England have recently published an up-to-date report on Hertfordshire's habitats which identifies areas where new habitats should be created to support the wider ecological network. The LNP has also produced a suite of guiding principles to assist with planning for the natural environment. The Council will expect proposals to be prepared in line with these documents.</u>
19.22	19.3.5 (now 19.3.6)	The Environment Agency supports this paragraph.	Support noted and welcomed.	No amendment in response to this issue
19.23	19.3.5 (now 19.3.6)	Herts Ecology feel 19.3.5 should seek to plan for biodiversity at a landscape scale with the identification of local ecological networks, as promoted by Local Nature Partnership (LNP). Hertfordshire Ecological Networks document provides strong evidence-based approach to identifying ecological networks and a number of key habitats. The LNP is supported by	The proposed amendments to paragraph 19.2.8 above, address this issue. The current wording of paragraph 19.3.5 should be sufficient without repeating paragraph 19.2.8.	No amendment in response to this issue
19.24	19.3.5 (now 19.3.6)	The Environment Agency suggests adding reference to the Hertfordshire Local Nature Partnership's <i>'Planning for Biodiversity and the</i>	As with paragraph 19.3.4 above, it is agreed that the Plan should make more reference to the Local Nature Partnership in general and the guidance	Amendment to text (new para 19.3.5) <u>19.3.5 The Hertfordshire Local Nature</u>

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		<p><i>Natural Environment in Hertfordshire-Guiding Principles</i>, as well as the Hertfordshire ecological networks mapping report.</p> <p>HMWT also recommend adding this to Section 19.4</p>	<p>they produce as appropriate.</p> <p>A new 'orange box' is added following this paragraph.</p>	<p><u>Partnership (LNP), working in conjunction with Herts and Middlesex Wildlife Trust, Hertfordshire County Council and Natural England have recently published an up-to-date report on Hertfordshire's habitats which identifies areas where new habitats should be created to support the wider ecological network. The LNP has also produced a suite of guiding principles to assist with planning for the natural environment. The Council will expect proposals to be prepared in line with these documents.</u></p> <p>New 'orange box' after 19.3.5</p> <p><u>The Local Nature Partnership guidance can be viewed at: www.hertswildlifetrust.org.uk/local-nature-partnership</u></p>
19.25	19.3.6 (now 19.3.8)	Badgers need to be added to the list.	Badgers are not on the England Biodiversity List of Habitats and Species of Importance.	No amendment in response to this issue
19.26	19.3.6 (now 19.3.8)	Herts Ecology feel 19.3.6 could include '...tests as required by the European Habitats Directive' to emphasise the point that this is a legal obligation and not simply a rigorous approach from LPA.	Paragraph 19.3.6 (renumbered 19.3.8) amended to add 'as required by the European Habitats and Birds Directive'.	<p>Amendment to text (para 19.3.6 (renumbered 19.3.8))</p> <p>Where there is evidence of European Protected Species (EPS) such as bats, great crested newts, dormice or otters, the Council will apply the following three derogation tests <u>as required by the European Habitats and Birds Directives:</u></p>
19.27	19.3.7 (now 19.3.9)	The Environment Agency supports this paragraph.	Support noted and welcomed.	No amendment in response to this issue
19.28	19.3.7 (now 19.3.9)	HMWT welcome the focus on avoidance of harm, including habitat retention through site design. Recommend that wording be added to ensure mitigation is required where not possible to avoid impacts. Compensation for any residual impact	Support noted and welcomed. A new paragraph referencing the mitigation hierarchy should be added.	<p>Amendment to text (new para 19.2.9)</p> <p><u>19.2.9 The NPPF requires local planning authorities to apply a mitigation hierarchy. In the context of the natural environment this</u></p>

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		<p>e.g. new habitat creation or habitat restoration/enhancement on site or nearby should be as a last resort.</p> <p>Herts Ecology notes that if the 'Mitigation Hierarchy' is not referred to in Policy NE1, it should be referred to here.</p>		<p><u>means that policies should seek to create net gains in biodiversity, to avoid adverse impacts by considering alternative options, to use mitigation measures where avoidance is not possible and as a last resort to use compensatory measures.</u></p>
19.29	19.3.8 (now 19.3.10)	HMWT suggest that Para. 19.3.7 be split to distinguish between avoidance and enhancement.	Paragraphs 19.3.7 and 19.3.8 (renumbered 19.3.9 and 19.3.10) amended accordingly.	<p>Amendment to text (paragraphs 19.3. 7 and 19.3.8 (renumbered 19.3.9 and 19.3.10))</p> <p>19.3.7-9.....site design. Where there may be no significant harm to species or habitats there may be potential opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement....</p> <p>19.3.8-10 <u>There may be potential opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement, whether or not significant harm to species or habitats is anticipated.</u> Examples of how enhancements can be achieved include: ...</p>
19.30	19.3.8 (now 19.3.10)	<p>All developments should respond to available opportunities to provide enhancements for wildlife, whether or not significant adverse impacts are expected. Request that sentence amended to this affect.</p> <p>E.g. "There may be potential opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement, whether or not significant harm to species or habitats is anticipated. Examples of how enhancements could be achieved include...":</p>	Paragraph 19.3.8 (renumbered 19.3.10) to be amended accordingly.	<p>Amendment to text (para 19.3.8 (renumbered 19.3.10))</p> <p>19.3.8-10 <u>There may be potential opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement, whether or not significant harm to species or habitats is anticipated.</u> Examples of how enhancements can be achieved include:...</p>
19.31	19.3.8 (now 19.3.10)	Herts Ecology suggest that paragraph 19.3.8 should include the planting of wildflower grasslands and new orchards, as they provide excellent habitats for insects etc.	Paragraph 19.3.8 (renumbered 19.3.10) should be amended to add wildflower grasslands and orchards.	<p>Amendment to text (para 19.3.8 (renumbered 19.3.10))</p> <p>19.3.810 <u>There may be potential opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement, whether or not significant harm to species or habitats is</u></p>

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				<p><u>anticipated.</u> Examples of how enhancements could be achieved include: ...</p> <ul style="list-style-type: none"> • <u>Creation of orchards, wildflower grasslands and nature reserves.....</u>
19.32	19.3.8 (now 19.3.10)	The Environment Agency supports this paragraph.	Support noted and welcomed. (note paragraph amended and renumbered 19.3.10)	No amendment in response to this issue
19.33	19.3.9 (now 19.3.11)	The Environment Agency supports this paragraph.	Support noted and welcomed. (note paragraph amended and renumbered 19.3.11)	No amendment in response to this issue
19.34	19.3.9 (now 13.9.11)	Planning obligations should include green roofs, walls, natural planting, simple management.	The Design and Climate change policies already address these issues. The bullet list in 19.3.10 could include reference to green roof and walls.	<p>Amendment to text (para 19.3.8 (renumbered 19.3.10))</p> <p>19.3.910¹⁰ <u>There may be potential opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement, whether or not significant harm to species or habitats is anticipated.</u> Examples of how enhancements could be achieved include: ...</p> <ul style="list-style-type: none"> • Connecting existing habitats and enhancing migratory routes with additional planting (<u>including green roofs and walls</u> and species-rich hedgerows) ...
19.35	19.3.10 (now 19.3.12)	Herts Ecology suggest that Para. 19.3.10 could include Biodiversity Offsetting as a means of securing compensation.	This is referred to in the NPPF as a means of compensating the loss of features on-site and therefore needs to be incorporated in the text in paragraph 19.3.10 (renumbered 19.3.12).	<p>Amendment to text (para 19.3.10 (renumbered 19.3.12))</p> <p>19.3.40¹² Compensation which in most cases should be a last resort, involves creating new replacement habitats either on-site or off-site <u>in the form of biodiversity offsetting.</u> However, compensation for a lost habitat will not make an unacceptable development acceptable.</p>

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19.36	NE2 (now NE3)	The Environment Agency supports this policy.	Support noted and welcomed.	No amendment in response to this issue
19.37	NE2 (now NE3)	<p>HMWT and the Lee Valley Regional Park Authority suggest that both Policy NE1 and NE2 should require applicants to submit sufficient and up-to-date info (ecological surveys by competent ecologist) where habitat or features of potential value to the wildlife are affected. Where an applicant fails to provide sufficient information, planning permission should be refused (in line with NPPG Para. 008 and 016). Having adequate information is necessary for the council to ensure that its policy requirements and its statutory duty are met in terms of being able to assess whether net gains have been achieved.</p> <p>The LVRPA stress the importance of carrying out wildlife and habitat surveys in advance of submitting applications.</p>	<p>Agreed. Policy NE2 (now NE3) amended to address this and to make it more proactive.</p> <p>Policy NE1 amended in Issue 19.13</p>	<p>Amendment to Policy NE2 (renumbered NE3)</p> <p><u>I...Evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application.</u></p>
19.38	NE2 IV (now NE3)	Herts Ecology suggest that part 'IV' should refer to nature reserves rather than local nature reserves to prevent any confusion.	<p>Noted.</p> <p>Nature reserves has been added to the bullet list in Paragraph 19.3.8 (renumbered 19.3.10)</p>	<p>Amendment to Policy NE2 (renumbered NE3)</p> <p>IV. Developments should demonstrate how the proposal improves the biodiversity value of sites and enhances their nature conservation interest, such as through the establishment of local—nature reserves. If providing such features as part of a development, applicants should detail how it will be maintained in the long term.</p> <p>Amendment to text (Para. 19.3.8 (renumbered 19.3.9) 19.3.10 ...</p> <ul style="list-style-type: none"> <u>• Creation of orchards, wildflower grasslands and nature reserves</u>

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19.39	NE2 (now NE3)	Herts Ecology note that reference should be made to the LPA's legal obligation concerning European Sites, protected sites and SSSIs. The Department for Environment Food and Rural Affairs (DEFRA) is currently updating its guidance. Which should be referred to, to the effect of ' <i>Updated guidance on the legal obligations affecting local planning authorities and developers regarding European sites, protected species and SSSIs is being prepared by DEFRA and will replace the advice currently set out in Circular 06/05: Biodiversity and Geological Conservation</i> '	This can be detailed in a new paragraph or text box. This should be linked to advice on the list of Species and Habitats of Principle Importance under the NERC Act.	<p>Amendment to text (new 'orange box' after 19.3.3)</p> <p><u>A list of Species and Habitats of Principle Importance, as published in Section 41 of the Natural Environment and Rural Communities Act 2006, can be viewed in the form of a spread-sheet at: www.naturalengland.org.uk</u></p> <p><u>Government legislation exists which places legal obligations on Local Planning Authorities and landowners with regards to the protection and enhancement of European Sites, protected species and Sites of Special Scientific Interest. More information can be viewed on the Government's document website at: www.gov.uk.</u></p> <p><u>The Herts and Middlesex Wildlife Trust website also contains a useful list of relevant environmental law at: www.hertswildlifetrust.org.uk</u></p>
19.40	NE2 (now NE3)	Useful if term 'locally important biodiversity sites' could be defined.	New text could be added to the Glossary to provide a description.	<p>Amendment to Glossary</p> <p><u>Locally Important Biodiversity Sites: Normally smaller, isolated sites, including trees, hedgerows or ponds that may not be designated but make a contribution to local or wider ecological networks.</u></p>
Green Infrastructure				
19.41	19.4.3	The River Mimram, which is the best chalk stream north of the Thames, and a habitat rarer than the tropical rainforest is omitted from the list of local rivers.	This river was omitted in error and should be added to the list.	<p>Amendment to text (para 19.4.3)</p> <p>East Herts has a rich green infrastructure resource centred on the principal river valleys of the Lee, <u>Mimram</u>, Beane, Quin, Rib, Ash and Stort in addition to a varied mosaic of landscape and habitat types, such as</p>

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				grassland, ancient and plantation woodland and farmland of importance to wildlife.
19.42	19.4.3	Herts Ecology support the overall approach to GI. However the Plan needs to acknowledge the integrated approach to planning and include what improvements are necessary and how they are to be sustained.	This is partly contained within the Green Infrastructure Plan and the Plan makes new references to the LNP Ecological Networks document. Each Policy in this chapter seeks to encourage an integrated approach to biodiversity and the wider ecological network, which is part of the function of Green Infrastructure.	No amendment in response to this issue
19.43	19.4	Herts Ecology note that land management is fundamental, local farming and development and maintenance of food economy is wholly missing from the plan in one of the county's most farming dominated districts.	The majority of these things are beyond the scope of planning policy. The Plan as a whole supports the rural economy and is proactive where it has some influence. Paragraph 19.4.3 references the importance of farmland in green infrastructure terms. Policy ED2 supports agricultural activity and the diversification of farm holdings provided it supports the continued agricultural activity of the farm. However, these issues are more appropriately managed by central government policies on agricultural practices and permitted development rights.	No amendment in response to this issue
19.44	19.4.4	The Environment Agency supports this paragraph.	Support noted and welcomed.	No amendment in response to this issue
19.45	19.4.5 (now 19.4.6)	The Environment Agency supports this paragraph.	Support noted and welcomed.	No amendment in response to this issue
19.46	19.4.6 (now 19.4.7)	The Environment Agency supports this paragraph.	Support noted and welcomed.	No amendment in response to this issue
19.47	19.4.6 (now 19.4.7)	<p>Herts Ecology note applicants should be expected to seek advice of Hertfordshire Ecology which should be at the front of the list being funded by EHDC to provide an ecological advisory service to the District.</p> <p>Herts Ecology provides planning advice while the Environmental Records Centre holds, manages and develops ecological and biological records and information.</p>	Agreed paragraph amended to include reference to the renamed HERC and Herts Ecology.	<p>Amendment to text (para 19.4.6 (renumbered 19.4.7))</p> <p>Applicants will be expected to seek the advice of the Herts and Middlesex Wildlife Trust, the Hertfordshire Environmental Biological Records Centre, Hertfordshire Ecology at the County Council, Countryside Management Service and Natural England, and other relevant local nature partnerships where appropriate, where</p>

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
				proposals affect or have the potential to enhance green infrastructure and nature conservation assets.
19.48	19.4	The LVRPA suggest that supporting text to the Green Infrastructure policy should make reference to GreenArc.	A new paragraph could be added to highlight the role of landscapes within East Herts as part of the wider network and to bring in a reference to the GreenArc partnership.	Amendment to text (new paragraph 19.4.5) <u>19.4.5 It is important to remember that habitats and landscapes in East Herts are part of a wider network of green infrastructure that pays no heed to local authority boundaries. For example, the woodland to the south of the District forms part of the swathe of woodland and other habitats that stretch around London, which is commonly known as the GreenArc. Development should therefore be planned to avoid habitat loss and fragmentation, and opportunities should be sought to improve ecological connectivity, including through the creation, restoration and enhancement of linking habitats and 'stepping stones' through the landscape.</u>
19.49	NE3 (now NE4)	The Environment Agency support Policy NE3.	Support noted and welcomed.	No amendment in response to this issue
19.50	NE3 (now NE4)	There needs to be sufficient Green infrastructure with housing growth. Communities will need to be designed to be water neutral, hard surfaces should also be minimised.	The Draft Plan contains a number of policies that seek to address these issues.	No amendment in response to this issue
19.51	NE3 (now NE4)	The LVRPA support Policy NE3, and endorse reference to Nature Improvement Areas.	Support noted and welcomed.	No amendment in response to this issue
19.52	NE3 (now NE4)	The LVRPA support the single policy for Green Infrastructure due to its complexity and where it refers to many different strands. The reference under Policy CC1 to Green Infrastructure is also endorsed.	Support noted and welcomed.	No amendment in response to this issue
19.53	NE3 (now NE4)	Canal and River Trust support the aims of this policy fully and welcome the recognition and support given to the Waterway network in East Herts.	Support noted and welcomed.	No amendment in response to this issue

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
19.54	NE3 (now NE4)	HMWT welcome Policy, in particular references to plans and programmes including Nature Improvement Areas, Living Landscapes and Catchment Management Plans.	Support noted and welcomed.	No amendment in response to this issue
19.55	NE3 (now NE4) II (d)	Typo: "complement"	Noted	Amendment to Policy NE3 (renumbered NE4) (d) Consider the integration of green infrastructure into proposals as an alternative or to complement <u>complement</u> 'grey' infrastructure.
General				
19.56	19	Support for protection of the natural environment. There is an issue with the clearance of sites before applications are submitted. This is a loophole that enables habitat destruction before it can be properly assessed. Where site clearance occurs there should be penalties.	Support noted and welcomed. The clearance of vegetation is not considered development. Once an application has been made conditions would normally be applied that seeks to retain vegetation subject to an appropriate landscaping scheme. However, if the clearance occurs before the application there are no conditions to be in breach of. Where clearance has occurred on sites where there are policy restrictions such as Tree Preservation Orders or other environmental designations, mechanisms do exist through various legislation to impose penalties and ensure replacement planting where necessary. This is a national issue of planning law and not something the Council can control.	No amendment in response to this issue
19.57	19	Development prevents biodiversity.	If done well, development has the potential to create biodiversity through gardens and green spaces which have a greater variety of species than ploughed farmland for example.	No amendment in response to this issue
19.58	19.2 (HERT4)	HERT4 proposal is a connection to the countryside it supports the valuable habitat at Waterford Heath. Any developments around the edge of town should include a 'woodland buffer' to protect views and constrain further development.	This comment will be considered further under Chapter 7: Hertford. Each settlement-specific policy seeks to protect and enhance its surrounding environments. HERT4 currently requires the development to create quality local green infrastructure through	Amendment to Policy HERT4 This will be amended in due course.

Issue Number	Policy/ Paragraph Number	Issue	Officer Response	Proposed Amendment
			the site including opportunities for preserving and enhancing on-site assets, maximising opportunities to link into existing assets and enhance biodiversity. This could be made more explicit in requiring a new green edge to the development to not only act as a green buffer to neighbouring environments but also to define the edge of development, effectively creating a strong northern boundary.	
19.59	19.3	Natural England finds much encouragement in the emerging policies and commends the progress East Herts are making towards creating a sound Local Plan; however more progress was expected on the Habitats Regulations Assessments (HRA). The HRA is an important consideration and needs to be taken into account when allocating sites and numbers.	Support noted and welcomed. Concerns regarding the HRA are noted and refer to the specific detail of the HRA which was available at the Preferred Options stage. The HRA will be updated to inform the final version of the District Plan, in collaboration with Natural England.	No amendment in response to this issue
19.60	19.3	Land north of Ware is teeming with wildlife, deer's, foxes, hares and rabbits as well as birds particularly in the area around Moles Farm. Thought must be given to wildlife as well.	Noted.	No amendment in response to this issue

Part 2: Other Proposed Amendments

Policy/ Paragraph Number	Issue	Proposed Amendment
19.2.4	Reference should be added to refer to a new online tool produced by Natural England on assessing the likely impacts on SSSIs.	<p>New 'orange box' after 19.2.11</p> <p>The Natural England Impact Risk Zone Tool, which is designed to help local planning authorities and developers to assess whether a proposed development is likely to affect SSSIs can be found at www.naturalengland.org.uk</p>
19.2.4	It is worth clarifying that SSSIs are only a representative sample of the County's finest wildlife and geological sites. This helps when explaining that other sites that are not classified as SSSIs are often just as ecologically valuable. SSSI status does not assume automatic protection from development.	<p>Amendment to text (para 19.2.4)</p> <p>All international sites in the district are also designated as SSSI's. SSSI's are a representative sample of protect England's finest wildlife and geological sites.</p>
19.2.4	In October 2014 Natural England was incorporated into the gov.uk website and as such all links and references of documents have been changed. Therefore reference to the England Biodiversity List is now out of date. Instead, the new 'orange box' after 19.3.3 is sufficient.	<p>Amendment to Policy NE2 (renumbered NE3)</p> <p>Part V. Proposals should avoid impacting on Species and Habitats of Principle Importance included in the England Biodiversity List as published under section 41 of the Natural Environment and Rural Communities Act 2006 (or as subsequently amended).</p> <p>Amendment to 'orange box' after Policy NE2 (renumbered NE3) moved to after para. 19.3.3</p> <p>The England Biodiversity List can be viewed and downloaded from the Habitats and Species of Importance pages of the Natural England Website at: www.naturalengland.org.uk A list of Species and Habitats of Principle Importance, as published in Section 41 of the Natural Environment and Rural Communities Act 2006, can be viewed in the form of a spread-sheet at www.naturalengland.org.uk</p>
19.2.7	The latest Annual Monitoring Report indicates a change in the number of Local Wildlife Sites and their size in hectares due to the re-classification of sites and alterations to boundaries. This up-to-date evidence should be included in the revised chapter.	<p>Amendments to text (para 19.2.7)</p> <p>...There are currently 573 544 Wildlife Sites in the district covering 3,462 3,442 hectares...</p>

19.2.10 and 19.2.11	<p>In order to measure the objective of achieving no net loss of biodiversity it is necessary to put in place mechanisms to assess and monitor mitigation programmes. One way of doing this is to use the DEFRA and Natural England endorsed Biodiversity Impact Assessment Calculator. The use of such tool also ensures a consistent and scientific approach to assessing applications.</p> <p>In order to achieve no net loss, the baseline ecological valuation figures should be exceeded by a development after it has been built. This results in meaningful, quantifiable no net loss and where possible net gain.</p>	<p>Additional text added (new paragraphs 19.2.10 and 19.2.11)</p> <p><u>19.2.10 In order to objectively assess net ecological impacts and therefore achieve net gains in biodiversity, as required by the NPPF, it is vital that a fair, robust mechanism for measuring these impacts is applied. To ensure they are consistently quantified, the application of the DEFRA and NE endorsed Biodiversity Impact Assessment Calculator (Warwickshire County Council v18 2014 or as updated) will be required for all development with negative impacts on biodiversity. Proposals will be expected to show a net gain in ecological units following development.</u></p> <p><u>19.2.11 It is important that a consistent, acceptable standard of supporting ecological information is supplied with planning applications. In order to ensure this, it will be expected that ecological information is presented in accordance with the British Standard on Planning and Biodiversity – BS42020 2013 Biodiversity – Code of practice for planning and development.</u></p> <p>New Part IV added to Policy NE1</p> <p><u>IV. Ecological impacts will be quantified by utilising the Biodiversity Impact Assessment Calculator (BIAC). Development must demonstrate a net gain in ecological units. Ecological information must be supplied in accordance with BS 42020 2013.</u></p>
Policy NE1, Part III	The approach to compensatory measures has changed as case examples increase. It is therefore necessary to explain that compensatory measures can be provided on or off-site.	<p>Amendment to text Policy NE1, Part III</p> <p>Such compensatory schemes should seek to achieve a net gain for nature and the Council will consider the use of conditions and/or planning obligations to secure appropriate mitigation/compensation. <u>Compensatory measures can be situated on or off the development site.</u></p>
Policy NE2, Parts I and II.	The issue of assessing sites objectively is also applicable to non-designated sites as they have an important contribution to make to the wider ecological network.	<p>Amendment to Policy NE2. Parts I and II</p> <p>I. All proposals should achieve a net gain in biodiversity, <u>as measured by using the BIAC,</u> and avoid harm to, or the loss of features that contribute to the local and wider ecological network.</p> <p>II. Proposals will be expected to apply the mitigation hierarchy of avoidance, mitigation and compensation, and integrate <u>ecologically beneficial</u> planting and landscaping into the overall design.</p>
19.3.3	It is important that the ecological value of habitats that are not classified as priority habitat is recognised. If it isn't eco consultants will dismiss all non-priority habitat as insignificant and state that they do not need to be compensated. The majority of the country's wildlife depends upon non-priority habitats. They are therefore vital components of the wider ecological network. They may therefore be less valuable in ecological terms but	<p>Amendment to text (para 19.3.3)</p> <p><u>It must be recognised that Biodiversity does not only exist on priority habitat sites. Lower quality habitats contribute significantly to the biodiversity of an area. Indeed the vast majority of biodiversity in this country is dependent on non-priority habitat. Through use of the BIAC, the ecological value of these habitats can be quantified and properly reflected in the planning process. Their value in planning terms will be less than that of priority habitat and commensurate with the contribution they make to the wider ecosystem, as informed by the calculator.</u></p>

	<p>nonetheless make an important contribution. Additional wording should be added to the section on species and habitats. Additional wording should also be added to the bottom of Table 19.1 to make it clear that even local wildlife sites have a valuable ecological contribution.</p>	<p>Additional text added to bottom of Table 19.1</p> <p>Designated land of local and regional importance defined as discrete areas of land considered to be of significance for their wildlife features. They are the most important places for wildlife outside legally protected land such as SSSIs <u>and can be as ecologically valuable as SSSI.</u></p>
19.3.4	<p>Reference to the Hertfordshire Biodiversity Action Plan should be combined with the new reference to the Local Nature Partnership guidance. Therefore the orange box after 19.3.4 should be moved after 19.3.5</p>	<p>Amendment to text ‘orange box’ after 19.3.4 moved to 19.3.5</p> <p><u>The Local Nature Partnership guidance can be viewed at: www.hertswildlifetrust.org.uk/local-nature-partnership</u></p> <p>The Hertfordshire Biodiversity Action Plan (2006) can be viewed and downloaded from the Hertfordshire Environmental Forum at: www.hef.org.uk/nature/biodiversity_vision/</p>
19.3.6	<p>HMWT have suggested including a justification for the inclusion of integrated bat and bird boxes within the brickwork of buildings. Free standing bat/bird boxes are rarely effective, are not permanent and get stolen or vandalised. So much urban wildlife is dependent on the built form for nesting and roosting. If the Plan stipulates that all suitable buildings will be expected to incorporate integrated boxes e.g. Habibat or Ecosurv this will ensure an ongoing supply of these features that are custom made and so minimise issues with householders. They also have the benefit of being able to be easily moved when a property is extended.</p> <p>Additional words should be added to paragraph 19.3.6 to encourage the proper provision of integrated bat and bird habitat opportunities as an easy means of ensuring net gain in biodiversity. Specific brands should not be referred to however as these will change throughout the Plan period.</p>	<p>Amendment to text (para 19.3.6)</p> <p>... This involves safeguarding and enhancing biodiversity already present, providing new areas of habitat appropriate to the ecology of the area and integrating biodiversity within new development. <u>Simple features such as integrated bat and bird boxes within the fabric of new buildings can be very effective in ensuring a continued supply of roosting opportunities for urban wildlife.</u> Encouragement will be given to proposals which improve the biodiversity value of sites and to the establishment of local nature reserves where the nature conservation and landscape interest of the site will be protected and enhanced.</p> <p>Additional text added to bullets at paragraph 19.3.9 (now 19.3.10)</p> <p>Provision of <u>integrated</u> roosting opportunities for bats and birds.</p> <p>New Part VIII added to Policy NE3</p> <p><u>Integrated bird and bat boxes will be expected in all development bordering public green space and beneficial habitat.</u></p>
19.3.6 / 19.3.7	<p>It should be stipulated that ecological surveys will be required when there is a reasonable likelihood of protected species or habitats being present – as described in ODPM circular 06/05. This clarifies expectations by stating as early as possible that it is not acceptable to condition surveys. If surveys are not completed to support an application then not all material considerations will have been addressed in reaching a</p>	<p>Additional text to be added as a new paragraph 19.3.7</p> <p><u>Where there is a ‘reasonable likelihood’ of the presence of European or Nationally Protected Species, surveys must be completed and avoidance/mitigation/compensation measures agreed before permission can be granted. Surveys cannot be conditioned except in exceptional circumstances because if decisions are made without this information, all material considerations</u></p>

	decision on an application.	<u>cannot have been addressed in reaching a position.</u>
Policy NE3, Part I.	<p>It is important that the way ecological information is presented is consistent and of a suitable standard. Defining that all information must be in accordance with BS42020 2013 is the easiest way to ensure a level playing field in this regard. If surveys are not compliant they can be rejected. This also clarifies expectations from an early stage. It has been endorsed by Natural England, Association of Local Government Ecologists, Chartered Institute of Ecology and Environmental Management, Department of Environment, Food and Rural Affairs, Royal Town Planning Institute and many other organisations.</p> <p>Additional wording could be added to Part I of Policy NE3 to ensure surveys are carried out in line with industry standards.</p>	<p>Additional text to be added to Part I of Policy NE3</p> <p>I. Development should always seek to enhance biodiversity and to create opportunities for wildlife. Proposals must demonstrate how the development improves the biodiversity value of the site and surrounding environment. Evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application. <u>The Biodiversity value of a site pre and post development will be determined by applying the BIAC. Submitted information must be consistent with BS 42020 2013.</u> Where insufficient data is provided, permission will be refused.</p>
Policy NE3, Part III.	<p>The value of habitat buffers applies equally to hedges, trees, and woodland. BS 5837 on trees and development can be used to justify a 15m buffer – to enable a tree to reach its full potential. However 10m is more defensible. Absolute distances are really helpful in making decisions in the future.</p> <p>Additional text could be added to be more proactive about requiring protective buffers around existing habitats.</p>	<p>Additional text added to Part III of Policy NE3</p> <p>...The Council will seek their reinforcement by additional planting of native species where appropriate. <u>Protective buffers of complementary habitat will be expected to adjoin these features, sufficient to protect against root damage and improvement of their long term condition. A minimum buffer zone of 10m (or greater if required) is considered appropriate.</u></p>
Policy NE3, Part VII.	<p>Waterways are our most connective and important features for wildlife. Their value is significantly enhanced if there is a buffer zone between them and development. The EA generally ask for 8-15 metres of buffer. This approach should be clarified upfront, requiring ongoing ecological management of these buffer habitats.</p>	<p>New Part VII added to Policy NE3</p> <p><u>Development adjoining rivers or streams must provide a minimum of a 10m buffer of complimentary habitat between the built environment and the watercourse. Details must be supplied of ongoing ecologically beneficial management of buffer habitats. Where possible opportunities should be taken to restore degraded aquatic environments to a more semi natural condition.</u></p>

Policy NE3, Part VI	It is not enough to simply provide new planting through developments, but these new habitats should become established. HMWT apply a condition stating that if planting dies within five years it should be replaced with new planting. HMWT therefore suggest changing the words from 'provision' to 'establishment' in order to ensure new planting lasts.	<p>Amendment to text, Policy NE3, Part VI</p> <p>The District Council will impose conditions / planning obligations which seek to:</p> <p>(a) Facilitate the survival of existing populations as well as encouraging the provision <u>establishment</u> of new populations;</p>
19.3.11	It is worth noting that because UK Biodiversity Action Plan priority habitats and species are identified as being the most threatened and requiring conservation, they cannot be replaced and therefore the loss of them cannot be compensated against. The principle of biodiversity offsetting is therefore not suitable.	<p>Amendment to text (para 19.3.12)</p> <p>Compensation which in most cases should be a last resort, involves creating new replacement habitats either on-site or off-site in the form of biodiversity offsetting. However, compensation for a lost habitat will not make an unacceptable development acceptable. <u>Biodiversity offsetting is not designed to be applied to priority habitats.</u></p>
Policy NE4, Part II.	It is important for the permeability of wildlife through development that green infrastructure is not polluted by lighting. Lighting can dramatically impact on the movement of certain species e.g. bats and moths. It is a simple (and cheap) measure to address this with sympathetic lighting but this must be stipulated in the plan. It is also good for reducing carbon emissions.	<p>New bullet to Part II of Policy NE4</p> <p><u>(e) Demonstrate how lighting will not negatively impact on green infrastructure that functions as nocturnal wildlife movement and foraging corridors.</u></p>
Policy NE3 Species and Habitats	This Policy should be amended to reflect the hierarchy of mitigation and to be more proactive in encouraging enhancements i.e. to first seek gains in habitats and opportunities for biodiversity, to avoid harm, to mitigate where harm is unavoidable and to compensate where harm occurs.	<p>Amendment to Policy NE2 (Renumbered NE3)</p> <p>I. <u>Development should always seek to enhance biodiversity and to create opportunities for wildlife. Proposals must demonstrate how the development improves the biodiversity value of the site and surrounding environment. Evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application. The Biodiversity value of a site pre and post development will be determined by applying the BIAC. Submitted information must be consistent with BS 42020 2013. Where insufficient data is provided, permission will be refused.</u></p> <p>II. <u>Proposals should detail how physical features will be maintained in the long term.</u></p> <p>III. <u>Development which would result in the loss or significant damage to trees, hedgerows or ancient woodland sites will not be permitted. The Council will seek their reinforcement by additional planting of native species where appropriate.</u></p> <p>IV. <u>Proposals will be expected to protect and enhance locally important biodiversity sites and other notable ecological features of conservation value.</u></p> <p>V. <u>Proposals should avoid</u> Development proposals which may have an impacting on Species and</p>

		<p>Habitats of Principle Importance included in the England Biodiversity List <u>as</u> published under section 41 of the Natural Environment and Rural Communities Act 2006 (or as subsequently amended) will only be permitted where harm to the species and habitats can be avoided.</p> <p>II. Locally important biodiversity sites and other notable ecological features of conservation value will also be protected and enhanced.</p> <p>III. Development which would result in the loss or significant damage to trees, hedgerows or ancient woodland sites will not be permitted. The Council will seek their reinforcement by additional planting of native species where appropriate.</p> <p>IV. Developments should demonstrate how the proposal improves the biodiversity value of sites and enhances their nature conservation interest, such as through the establishment of local nature reserves. If providing such features as part of a development, applicants should detail how it will be maintained in the long term.</p> <p>VI. Where in exceptional circumstances <u>exist that outweighs any harm or</u> damage to a species or habitat <u>appropriate mitigation and compensation measures must be employed.</u> is unavailable, any adverse impact should only occur as a last resort. The District Council will impose conditions / planning obligations which seek to:...</p>
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