

Biodiversity, Trees, Woodlands and Landscaping

- 10.18 The preferred policy demonstrates the Council's commitment to meet the relevant national requirements to conserve and enhance biodiversity, trees and woodlands. It also recognises that where development is necessary it should not be at the expense of irreplaceable natural assets.

Preferred Policy Option 21

Biodiversity, Trees, Woodlands and Landscaping

- 1) New Development should result in a net gain of biodiversity value. This must be measured through the use of the latest Defra Biodiversity metric.
 - a) The biodiversity metric should demonstrate an improvement in biodiversity units of 10% or more from the existing baseline value of the site. Development should apply the mitigation hierarchy to minimise or mitigate harmful effects on biodiversity. Mitigation and compensation measures must offset any losses in order to achieve the measurable net gain for biodiversity.
 - b) Where it is not possible to avoid or mitigate all impacts on site, an offsite Biodiversity Offset Agreement should be submitted to demonstrate that any off-site measures proposed seek to enhance local and nationally important priorities.
 - c) To ensure the long-term net gain, all development proposals should prepare a long-term monitoring and maintenance plan for biodiversity and habitat proposals for a minimum period of 30 years, including both on-site and off-site measures.
- 2) The weight given to the protection of sites will be commensurate with their position in the hierarchy:
 - International
 - National
 - Regional
 - Local
- 3) Development that would affect a Site of Special Scientific Interest, Local Nature Reserve, Local Wildlife Site or protected species under UK or European law, or identified as being in need of conservation by the UK Post-2010 Biodiversity Framework or the Hertfordshire Biodiversity Action Plan, will not be permitted where there is an adverse impact on the ecological, geological or biodiversity interests of the site, unless it can be demonstrated that:
 - a) The need for the development would outweigh the need to safeguard the biodiversity of the site;
 - b) Alternative wildlife habitat provision can be made in order to maintain local biodiversity; and
 - c) Adverse effects can be satisfactorily minimised through mitigation and compensation measures to maintain the level of biodiversity in the area.

- 4) The following areas have been highlighted as key areas for biodiversity within the Hertfordshire Biodiversity Action Plan:
 - Mid Colne Valley
 - Whippendell Woods and Surrounds
 - River Chess Valley
- 5) In the first instance development should seek to avoid impacts on designated sites and important habitats/species through sensitive design and consideration of alternatives. Proposals should seek to incorporate measures for biodiversity enhancement and Green Infrastructure delivery wherever possible.
- 6) All development must conserve, enhance and, where appropriate, restore biodiversity through:
 - a) Protecting habitats and species identified for retention
 - b) Providing compensation for the loss of any habitats (as a last resort)
 - c) Providing for the management of habitats and species
 - d) Maintaining the integrity of important networks of natural habitats, and
 - e) Enhancing existing habitats and networks of habitats and providing roosting, nesting and feeding opportunities for rare and protected species.
- 7) Linked habitats are important in allowing species to adapt and respond to circumstances. Development must not result in fragmentation or isolation of wildlife habitats and should seek opportunities for habitat connectivity with the wider landscape.
- 8) When granting permission for any proposals that include measures to improve biodiversity, the Council will impose conditions or seek planning obligations that secure the delivery of biodiversity gain in perpetuity.
- 9) Trees, Woodland and Landscaping
 - a) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting, **create tree lined streets** and enhance the landscape and habitats of the site and its surroundings as appropriate.
 - b) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997.
 - c) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards.
 - d) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.
 - e) Planning permission will be refused for any development resulting in the loss or deterioration to protected woodland (including ancient woodland), protected trees

(including aged or veteran trees) and hedgerows, unless conditions can be imposed to secure their protection.

- f) Where the felling of a tree or removal of a hedgerow is permitted, a replacement tree or hedge of an appropriate species, size and in a suitable location will be required, taking account of issues such as landscape and biodiversity.
- g) Areas forming part of development proposals which are to be transferred to the local authority for maintenance should be designed for ease of access and low cost maintenance overheads and management regimes.

Reasoned Justification

- 10.20 Woodland, trees and hedgerows are important contributors to biodiversity and may be protected by wildlife or conservation designations, Tree Preservation Orders or the Hedgerow Regulations. It is important that those not covered by designations are retained, protected and wherever possible, added to, since pressure for development will increasingly threaten trees, woodlands, hedgerows watercourses and their surrounding habitat. Authorities are obliged to conserve and enhance wildlife and landscape under the Natural Environment and Rural Communities Act 2006, the Water Framework Directive and the Natural Environment White Paper.
- 10.21 National policy states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. The National Planning Policy Framework requires local authorities to identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks; and promote the conservation, restoration and enhancement of priority habitats. Appropriate weight should be attached to designated sites of international, national and local importance, protected species and to biodiversity and geological interests in the wider environment.
- 10.22 Biodiversity is an integral part of the character of Three Rivers and contributes to the high quality of life in the area. The District supports a variety of wildlife in habitats as diverse as wetlands, woodlands, grasslands, orchards, heathlands and urban gardens. Conserving and enhancing the diversity of wildlife and habitats in Three Rivers is a strategic objective.
- 10.23 The Hertfordshire Local Nature Partnership has been established in response to the Natural Environment White Paper and will take a strategic lead on how the natural environment is taken into account in decision-making within the local area. The Local Nature Partnership may identify or endorse priority areas for habitat conservation and restoration.
- 10.24 Three Rivers has a number of important wildlife sites, ranging from nationally designated Sites of Special Scientific Interest (SSSIs) to Local Nature Reserves (LNRs) and sites of local wildlife importance referred to as Local Wildlife Sites. These include:

Sites of Special Scientific Interest at:

- Frogmore Meadows
- Sarratt Bottom
- Croxley Common Moor
- Whippendell Woods
- Westwood Quarry

Local Nature Reserves at:

- Oxhey Woods
- Stockers Lake
- The Withey Beds
- Croxley Common Moor
- Prestwick Road Meadows
- Chorleywood House Estate
- Rickmansworth Aquadrome
- Chorleywood Common
- Batchworth Heath, and
- 144 Local Wildlife Sites.

10.25 The Hertfordshire Biodiversity Action Plan (BAP): A 50-Year Vision for the wildlife and natural habitats of Hertfordshire (2006) identifies three key biodiversity areas in Three Rivers:

- Mid-Colne Valley – wetlands (gravel pits) and grassland
- Whippendell Woods and surrounds – woodlands, grasslands and wetland
- River Chess Valley – wetlands, grasslands, woodland and heathland

10.26 These represent priority areas for conserving existing biodiversity resource and also provide the best opportunity for maintaining and creating large areas of quality habitat. The Council will give particular weight to impacts of development on biodiversity and ecological connectivity within Key Biodiversity Areas as defined in the BAP and future revisions thereof.

10.27 Biodiversity is a key element of Green Infrastructure (networks of green spaces and natural elements including open spaces, waterways, gardens, woodlands, green corridors, wildlife habitats, street trees, natural heritage, heritage assets, earth science interests and open countryside). The preferred Green Infrastructure Policy identifies key assets for Green Infrastructure and the existing and potential linkages. It also sets out policy to seek a net gain in the quality and quantity of Green Infrastructure through the protection and enhancement of assets and the provision of new green spaces.

10.28 In addition, mature trees on development sites can make a major contribution to the quality of finished development, provided they are given the space and protection they need.

10.29 **The mandatory biodiversity net gain as set out in the Environment Act applies and is likely to become law in 2023. The Act sets out the following key components to mandatory BNG:**

- **Minimum 10% gain required calculated using Biodiversity Metric & approval of net gain plan**
- **Habitat secured for at least 30 years via obligations/ conservation covenant**
- **Habitat can be delivered on-site, off-site or via statutory biodiversity credits**
- **There will be a national register for net gain delivery sites**
- **The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss**

The Defra Biodiversity Metric has been designed to quantify the value of biodiversity (in terms of habitats) in a consistent, transparent and objective way. This mechanism is considered to be the appropriate method for determining ecological value and delivering measurable ecological gain.

- 10.30 Applicants will be required to complete the Defra Biodiversity Metric demonstrating a net gain in biodiversity. Any secured biodiversity net gain is expected to follow a hierarchy in terms of delivery. Firstly any net gain should aim to be delivered on site if possible, where this is not possible the aim should be for local projects to be delivered in the immediate vicinity and then an offsetting approach can be used whereby any monies secured can support projects at the national level.
- 10.31 Developers should have regard to the potential impact of development proposals on biodiversity, trees, watercourses and woodlands from the outset. Applications should be accompanied by sufficient information to assess the impact of the proposed development on any protected species, trees, watercourses, woodlands or priority habitats. Where it is considered that a habitat/species protected under European or Statutory legislation could be affected by development, the Council will require adequate survey information to be submitted at the time of the application together with an assessment of the potential impacts and appropriate mitigation/compensatory measures, these should be integrated into schemes and shown on submitted plans. The surveys should be undertaken and carried out by competent persons and at appropriate times of the year.
- 10.32 For sites including trees covered by a Tree Preservation Order or located within a Conservation Area, or where the site has trees within or adjacent to it, which are greater than 75mm in diameter, a planning application should be accompanied by a Tree Survey and an Arboricultural Impact Assessment. The advice of an arboriculturalist should be sought to identify all relevant trees to be included in a Tree Survey.
- 10.33 In accordance with national policy on biodiversity and geology the Council will conserve and, where possible, enhance:
- Sites of Special Scientific Interest
 - Local Nature Reserves
 - Local Wildlife Sites
 - Protected Species
 - Trees and Ancient Woodlands, and
 - Geological and physiographical features.
- 10.34 When considering development proposals, the Council will take account of UK Post-2010 Biodiversity Framework, the Hertfordshire Biodiversity Action Plan and other relevant information to:
- Assess the importance of a habitat
 - Consider the potential impact of development
 - Identify ways to conserve and enhance biodiversity in Three Rivers
 - Improve connectivity between habitats through establishment and expansion of Green Infrastructure corridors.
- 10.35 The Council will support measures identified in management plans (including the Thames River Basin Management Plan) and related status reports for Sites of Special Scientific Interest, Local Nature Reserves and other wildlife sites that seek to conserve, enhance and restore biodiversity. Where appropriate, developers may be required to contribute to improvements in biodiversity as part of their proposals.
- 10.36 Landscaping of new development should be considered as an integral part of the design process. Landscaping refers to both soft landscaping (planting and/or retention of trees, shrubs and other plants and earth contouring) and hard landscaping (paths, walls, seats, planters, kerbing etc.).

10.37 Landscaping proposals should address:

- The incorporation of visually obtrusive elements of development such as car parks, bank elevations and electricity sub-stations
- The setting of buildings within the site, and the setting of the site within the locality
- The creation of views into and out of buildings and the site as a whole and the creation and enhancement of visual focal points:and
- The conservation of existing local landscape character and enhance natural features.