

Braintree District Council Local Plan Examination Policies LPP67, LPP68, LPP69 and LPP70 – Wording

The following policy wording includes proposed changes to the policies in SDBDC008a and further changes agreed through statements of common ground.

Policy LPP67 Proposed Wording

Natural Environment and Green Infrastructure

Development proposals must take available measures to ensure the protection, ~~and where possible, the~~ enhancement of the natural environment, habitats, biodiversity and geodiversity of the District **and to be acceptable, also taking climate change and water scarcity into account in their design.** This will include, ~~where appropriate,~~ protection from pollution. **Proposals inside the district which are likely to adversely affect, either individually or cumulatively, International or nationally designated nature conservation sites within and outside the district will not normally be acceptable.**

The Council will expect all development proposals, where appropriate, to contribute towards the delivery of new Green Infrastructure which develops and enhances a network of multi-functional spaces and natural features throughout the District. This will be proportionate to the scale of the proposed development and the rural or urban context. The Council will support and encourage development which contributes to the District's existing Green Infrastructure and where possible, enhances and protects networks and adds to their functions. It will secure additional provision where deficiencies have been identified. Proposals which undermine these principles will not be acceptable. **Open space and green infrastructure may be required to provide alternatives to European sites in accordance with the Section 1 Sustainability Appraisal, and that such sites should be designed and managed appropriately to maximise their potential effectiveness in this role.**

Policy LPP 68

The following policy rewording was agreed with Natural England in a statement of common ground (BDCSG008). However, The Council is considering and seeking further discussion with Natural England as to whether the proposed text highlighted in red below accurately reflects the framework.

Policy LPP68 Proposed Wording

1. Protected Sites

(a) National and Internationally Designated sites

Sites designated for their international, ~~and European and national~~ importance to nature conservation; including Ramsar sites, Special Protection Areas (**SPA**), Special Areas of Conservation (**SAC**), should be protected from development likely to have an adverse effect

on their integrity whether they are inside or outside the District. Proposals which are considered to have a likely significant effect on these sites will require a Habitats Regulations Assessment (**HRA**) in line with European legislation and developers should provide information sufficient to inform this assessment. **In accordance with the Habitats Regulations**, development proposals should follow the avoid-mitigate-compensate hierarchy. Where this cannot be achieved, development proposals will not be permitted.

Planning permission for major development will be refused in these areas except in exceptional circumstances where overriding public interest can be demonstrated.

Residential developments must contribute to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS) where they fall within the Zones of Influence of International Designations as defined in the RAMS, in accordance with SP2.

(b) Nationally Designated sites

Sites designated for their national importance to nature conservation; including Sites of Special Scientific Interest (SSSIs) and should also be protected from development which is likely to adversely affect the features for which they are designated. Where necessary, developers should therefore ensure that sufficient assessment of potential impacts to SSSIs is also submitted with any planning application.

(c) Locally designated sites

Proposals likely to have an adverse effect on a Local Wildlife Site (**LWS**), Local Nature Reserve (**LNR**) and Special Roadside Verge will not be permitted unless the benefits of the development clearly outweigh the harm to the nature conservation value of the site. If such benefits exist, the developer will be required to demonstrate that impacts will be avoided, and impacts that cannot be avoided will be mitigated on-site.

2. Protected Species, Priority Species and Priority Habitats

Proposals that result in a net gain in priority habitats and species will ~~in principle~~ be supported **in principle**, subject to other policies in this plan. Where priority habitats and species are likely to be adversely impacted by the proposal, the developer must demonstrate that adverse impacts will be avoided, and impacts that cannot be avoided are mitigated on-site. Where residual impacts remain, off-site compensation will be required so that there is no net loss in quantity and quality of priority habitat in Braintree District.

Where there is a confirmed presence or reasonable likelihood of protected species or priority species being present on or immediately adjacent to a development site, the developer will be required to undertake an ecological survey and will be required to demonstrate that an adequate mitigation plan is in place to ensure no harm to protected species and no net loss of priority species.

Proposals resulting in the loss, deterioration or fragmentation of irreplaceable habitats such as ancient woodland or veteran trees will not normally be acceptable unless the need for, and benefits of the development in that location clearly outweigh the loss.

3. All development proposals

In all cases a precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures. Management, mitigation and compensation measures will be secured through planning conditions/obligations where necessary.

Policy LPP69 Proposed Wording

Tree Protection

The Council will consider the protection of established healthy trees which offer significant amenity value to the locality by

Assessing the value and contribution made by trees to the Conservation Areas in which they are located when determining S211 notifications for works to trees, including their removal

Serving Tree Preservation Orders in response to an objection to such a notification or in other circumstances as detailed below

Prominent trees which contribute to the character of the local landscape and are considered to have reasonable life expectancy will be protected by tree preservation orders particularly if they are considered to be under threat from removal.

Trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is a good arboricultural reason for their removal for example they are considered to be dangerous or in poor condition. Similarly alterations to trees such as pruning or crown lifting should not harm the tree or disfigure it; any tree surgery should be carried out to BS3998:2010 **(as superseded)**.

When considering the impact of development on good quality trees the Council will expect developers to follow the best practice guidance set out in BS5837:2012 **(as superseded)**. The standard recommends that trees of higher quality are a material consideration in the development process.

Where trees are to be retained on new development sites there must be a suitable distance provided between the established tree and any new development to allow for its continued wellbeing and ensure it is less vulnerable to pressures from adjacent properties for its removal. Planning conditions will be applied to protect trees during development. New landscape proposals for tree planting on development sites should conform to the recommendations set out in BS5837:2012 and BS8545:2014 **(as superseded)**.

In considering works to trees, new planting and the trees in new development schemes the Council will expect proposals to be in general conformity to and contribute to the aims of Braintree District's Tree Strategy.

Policy LPP 70 Proposed Wording

Protection, Enhancement, Management and Monitoring of Biodiversity

Development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally, enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development. For example, such enhancement could include watercourse improvements to benefit biodiversity and improve water quality, habitat creation, wildlife links (including as part of green or blue infrastructure) and building design which creates wildlife habitat (e.g. green roofs, bird or bat boxes as integral parts of buildings in partnership with organisations such as The Swift Conservation Group and Essex Wildlife Trust).

The Council will require development to be in compliance with and contribute positively towards delivering the aims and objectives of the Anglian River Basin Management Plan.

Development proposals with river frontages should make provision for ecological buffer strips with a view to protecting and where appropriate enhancing water dependant habitats and species. Where development proposals will be carried out on land with a watercourse currently culverted, opportunities for de-culverting and restoration to an open watercourse should be sought as a means of creating blue infrastructure and enhancing the development site

Previously developed land (brownfield sites) can harbour biodiversity. The reuse of such sites must be undertaken carefully with regard to existing features of biodiversity interest. Development proposals on such sites will be expected to include measures that maintain and enhance important features and appropriately incorporate them within any development of the site.

If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for then planning permission should be refused.