

Biodiversity Planning Conditions (Standard / Commonly used)

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Introduction

Set out within this document are planning conditions which are commonly used in relation to ecology and landscape matters. They are provided to assist applicants, agents and planning officers in the preparation and management of planning applications. Where possible number subsections are used to add clarity as to what factors or information the condition is to address and wording used to reduce the type and number of conditions. Depending on the specific details of a development proposal different levels of detail are likely to be required to meet the condition requirements. Its important to note that:

- They will be subject to change and updating
- They may be changed or varied dependant on the specific circumstances of a planning application
- They are most commonly used planning conditions, they are not the only planning conditions, in respect of Landscape and ecology matters that may be applied to an application.

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1. Ensuring that biodiversity mitigation, compensation and enhancement measures are secured.

a - Works to be carried out in accordance with biodiversity report

The development shall be completed in strict accordance with the recommendations in Section X of the consultancy report (report name and date) (unless varied by a European Protected Species (EPS) licence issued by Natural England). All the recommendations shall be implemented in full ^according to the timescales laid out in the recommendations^, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained for the stated purposes of biodiversity conservation.

b - Works to be carried out in accordance with biodiversity report and associated drawings

The development shall be completed in strict accordance with the following documents and drawings as submitted with the planning application, [and as modified by a relevant European Protected Species Licence issued by Natural England]:

- i. Section X of the report dated X prepared by X; and
- ii. Drawing number X.

All the biodiversity mitigation measures shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority, and all mitigation features shall thereafter be permanently retained for the stated purposes of biodiversity conservation.

c - Works to be carried out in accordance with reports, drawings and the implementation of specific measures [to reduce need for discharge of condition applications]

The development shall be carried out in accordance with the following biodiversity mitigation measures and enhancement features. All the measures and features listed below shall be implemented in full, unless otherwise agreed in writing by the local planning authority, and all the features shall thereafter be permanently retained.

- *Site clearance and construction shall be carried out in accordance with Forest of Dean District Council's Precautionary method of working for common reptiles (16th May 2012) available at: <https://www.fdean.gov.uk/media/wjth1ruj/precautionary-method-of-working-for-reptiles.pdf> and all construction materials and machinery shall be stored on existing hardstanding;*
- *At least 1 no. integrated / built-in bat box (e.g. tube, brick or access panel) to be installed into the western elevation wall of the new building;*
- *At least 3 no. swift bricks to be integrated / built-in to the western elevation wall of the new building at 1 metre intervals and in accordance with Swift Conservation advice <https://www.swift-conservation.org/Nestboxes&Attraction.htm#Built%20in> ; and*
- *Supplementary planting of existing hedgerows using at least 5 native and local provenance trees/shrubs that are locally characteristic to the area from the following list: Hawthorn, Blackthorn, Hazel, Field maple, Dog and/or Field rose, Elder, Spindle, Wild privet, Holly, Honeysuckle and Wych elm.*

Reason: To enhance biodiversity in accordance with Local Plan Policy Reference, paragraphs 170, 174 and 175 of the National Planning Policy Framework and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

1. Landscaping

Notwithstanding the submitted details and prior to above ground works a scheme for hard and soft landscaping of the site (incorporating existing flora) and including the means of enclosure and the materials to be used for hard surfacing, shall be submitted to and approved by the Local Planning Authority. The scheme shall include, but not be limited to:

- i. A plan showing existing vegetation to be retained and safeguarded during construction which shall be consistent with any Construction Management Plan.*
- ii. A plan showing areas to be managed as public open space including a final state topography plan, where appropriate.*
- iii. A landscaping implementation phasing plan, where appropriate.*
- iv. Detailed planting / sowing specifications including species, size, density spacing, cultivation protection (fencing, staking, guards) and methods of weed control*
- v. Details of surfacing, boundary treatments and landscaping structures including design, location, hedgehog accessibility, size, colour, materials and openings.*

Development shall be carried out in accordance with the approved scheme and ^in accordance with the landscape implementation phasing plan^ OR ^shall be completed by the end of the next available planting season immediately following the completion of the development or the site being brought into use, whichever is the earliest^.

2. Landscaping delivery

If at any time in the five years following planting any tree, shrub, hedge, plant or grassed area shall for any reason die, be removed, damaged, felled or eroded, it shall be replaced by the end of the next planting season to the satisfaction of the Local Planning Authority. Replacement trees, shrubs, hedges, plants and grassed areas shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

3. Construction Environmental Management Plan – Biodiversity (CEMP-B)

Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:

- i. Risk assessment of potentially damaging construction activities;*
- ii. Identification of ‘biodiversity protection zones’;*
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);*
- iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);*
- v. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;*
- vi. A non-native invasive species protocol (e.g. for Japanese knotweed);*
- vii. The times during construction when specialists ecologists need to be present on site to oversee works;*
- viii. Responsible persons and lines of communication;*
- ix. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);*

- x. *Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works; and*
- xi. *The submission of a verification report by the EcOW or similarly competent person(s) to the LPA at the end of the construction period.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Note: this would capture the following measures (covered by other conditions in past) and the condition can be tweaked on a case by case basis and/or reduced for smaller schemes if necessary (to make it less complicated), e.g. pre-works checks for birds, bats, badgers, etc; protection of nesting birds, e.g. timing of work; and watercourse protection and pollution prevention controls.

4. Ecological Design Strategy

No development shall take place until an ecological design strategy (EDS) addressing [... mitigation ... compensation ... enhancement ... restoration ...] has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following:

- i. *Purpose and conservation objectives for the proposed works;*
- ii. *Review of site potential and constraints;*
- iii. *Detailed design(s) and/or working method(s) to achieve stated objectives;*
- iv. *Extent and location/area of proposed works on appropriate scale maps and plans;*
- v. *Type and source of materials to be used where appropriate, e.g. native species of local provenance;*
- vi. *Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;*
- vii. *Persons responsible for implementing the works;*
- viii. *Details of initial aftercare and long-term maintenance (typically the first 5-year period);*
- ix. *Details for monitoring and remedial measures; and*
- x. *Details for disposal of any wastes arising from the works.*

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Note: Mainly for use on large developments where mitigation/compensation/BNG habitats are being created on site and the 'design strategy' fits in-between the landscaping scheme and the LEMP - to provide specifications for habitat creation.

5. Landscape and Ecology Management Plan (LEMP)

Notwithstanding the submitted details, ^prior to above ground works / before occupation^, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority The content of the LEMP shall include, but not limited to the following .:

- . Description and evaluation of features to be managed;*

- i. *Landscape and ecological trends and constraints on site that might influence management;*
- ii. *Aims and objectives of management (including those related to species);*
- iii. *Appropriate management options for achieving aims and objectives, including appropriate enhancement measures;*
- iv. *Prescriptions for management actions;*
- v. *Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period);*
- vi. *Details of the body or organisation responsible for implementation of the plan;*
- vii. *Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer;*
- viii. *Ongoing monitoring and remedial measures;*
- ix. *Timeframe for reviewing the plan; and*
- x. *Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.*

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Note: This is mainly for use on larger development sites where there is open space / habitat creation within the public realm to be managed appropriately in the long term/perpetuity/lifetime of the development - the name of this Plan can be amended to suit the case in question, e.g. Biodiversity Management and Monitoring Plan (where BNG is secured). For example, this would not usually be applicable to householder applications or applications where there is no open space apart from domestic gardens.

Note: A LEMP is required to secure the long term management of habitats/green spaces for biodiversity and landscape reasons (i.e. formal and informal green spaces) beyond the initial 5-year aftercare maintenance period.

6. Lighting strategy

^Notwithstanding the submitted details, before above ground works commence^ details of ^external / internal^ lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat features or accessing roost sites. The details shall include, but not limited to, the following:

- i. *A drawing showing sensitive areas and/or dark corridor safeguarding areas;*
- ii. *Technical description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;*
- iii. *A description of the luminosity of lights and their light colour;*
- iv. *A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;*
- v. *Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)); and*
- vi. *Lighting contour plans both horizontal and vertical where appropriate and taking into account hard landscaping, etc.*

All **external/internal** lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

Note: Add associated Informative saying that guidance on lighting issues in relation to bats can be found in the Bat Conservation Trusts Guidance Note 08/18 Bats and artificial lighting in the UK.

7. External Lighting Implementation

No external lighting shall be provided other than the maximum of one external LED downlighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. Lighting shall be maintained thereafter in accordance with these details.

8. Biodiversity Enhancement

^Notwithstanding the submitted details, before above ground works commence^ a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog homes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;*
- ii. Materials and construction to ensure long lifespan of the feature/measure*
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.*
- iv. When the features or measures will be installed within the construction, occupation, or phase of the development.*

Note: this can be amended to require specific enhancement features such as bird and bat boxes only, e.g. for householder or small-scale developments.

9. Precautionary Working Method Statement

No development shall take place (including vegetation/site clearance) until a Precautionary Working Method Statement (PWMS) for ^reptiles, amphibians, hedgehogs, badgers and nesting birds^ has been submitted to and approved in writing by the Local Planning Authority. The approved PWMS shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

Note: in most cases, this condition should be swapped for the one where works must be carried out in accordance with the standard precautionary working method statement (to be finalised for Public authorities).

Additional Note: This condition will not be required for much longer, as we are currently working on a Biodiversity Specification series, the implementation of which can be secured by condition rather than requiring one to be submitted. This will reduce the number of discharge of condition applications.

10. Woodland and/or Hedgerow Management Plans

Notwithstanding the submitted details, prior to completion or first occupation of the development hereby approved, whichever is the sooner; a woodland management plan shall be submitted to, and approved in writing by, the Local Planning Authority. The management plan **must** be prepared by a qualified and experienced ^forestry or arboricultural or ecological consultant^ and shall include, but not be limited to:

- i. Statement of the overall design vision for the woodland and for individual trees retained as part of the development – including amenity classification, nature conservation value and accessibility.
- ii. Type and frequency of management operations to achieve and sustain canopy, understorey and ground cover, and to provide reinstatement including planting where tree loss or vandalism occurs.
- iii. Frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas
- iv. Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010).
- v. Special measures relating to Protected Species or habitats, e.g. intensive operations to avoid March - June nesting season or flowering period.
- vi. Inspection for pests, vermin and diseases and proposed remedial measures.
- vii. Recommendations relating to how trees within the immediate vicinity of properties or within private areas are to be protected, such that these are retained without the loss of their canopy or value as habitat.
- viii. Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.

The development thereafter shall be implemented in strict accordance with the approved details.

11. Biodiversity Net Gain

No development shall commence unless and until a certificate confirming the agreement of an 'Off-Site Biodiversity Net Gain' or 'Offset' Provider to deliver the required X [specify number] biodiversity units has been submitted to and agreed in writing by the Local Planning Authority.

The written approval of the Council shall not be issued before the certificate has been issued by the Off-Site Biodiversity Net Gain Provider. The details of biodiversity enhancements shall be documented by the Off-Site Biodiversity Net Gain Provider and issued to the Council for their records.

Reason: To secure the delivery of off-site measures to ensure that a biodiversity net gain is achieved in accordance with EH3 of the West Oxfordshire Local Plan 2011-2031 and paragraphs 170, 174 and 175 of the National Planning Policy Framework.

And associated informative:

Several off-site biodiversity net gain or “offset” providers can take financial payments to deliver off-site biodiversity net gain projects in Oxfordshire, including the Trust for Oxfordshire’s Environment (TOE) - <https://www.trustforoxfordshire.org.uk/biodiversity-offsetting> . The number of Biodiversity Units required to provide the required level of biodiversity net gain for this permission are X [specify number].

Note: This is as currently used by West Oxfordshire District Council for the provision of off-site BNG, which is generally a payment to a broker such as the Trust for Oxfordshire’s Environment (TOE) whereby a certificate would suffice. However, other conditions would also be required for the delivery, management and monitoring of on-site BNG habitats (and other features).

Note: Other conditions that are also relevant to BNG include 1a (works in accordance with the BNG Assessment and 6 LEMP – which can be re-worded to Biodiversity Management and Monitoring Plan or similar.

12. Tree Protection (implementation)

Tree(s) X shown on Plan X shall be protected during construction of the approved development in accordance with section 6.2 of BS5837:2012. Protective fencing shall remain in situ until completion of the development.

13. Arboricultural Method Statements

Notwithstanding the submitted details, no works shall take place (including demolition, ground works, vegetation clearance) until an arboricultural method statement has been submitted to and approved by the Local Planning Authority. The method statement shall include, but not be limited to:

- i. Removal of existing structures and hard surfacing*
- ii. Installation of temporary protection barriers and ground protection*
- iii. Excavations and the requirement for specialized trenchless techniques*
- iv. Installation of new (no dig) hard surfacing – materials, design constraints and implications*
- v. for new levels*
- vi. Specialist foundations – installation techniques and effect on finished floor levels and overall height*
- vii. Preparatory works for new landscaping*
- viii. Site monitoring, including a schedule of specific site events requiring input or supervision*
- ix. Tree protection plan*
- x. Any pruning works to trees to be retained that are necessary to complete the development.*

Works shall be carried out in accordance with the approved scheme.

14. Tree Protection (tbc)

Notwithstanding the submitted details ,prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the

protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

The TPP and AMS shall include, but not be limited to:

- i. Location and installation of services/ utilities/ drainage.
- ii. Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- iii. Details of construction within the RPA or that may impact on the retained trees.
- iv. Full specification for the installation of boundary treatment works.
- v. Full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- vi. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- vii. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- viii. A specification for scaffolding and ground protection within tree protection zones.
- ix. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- x. Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- xi. Boundary treatments within the RPA
- xii. Methodology and detailed assessment of root pruning
- xiii. Arboricultural supervision and inspection by a suitably qualified tree specialist
- xiv. Reporting of inspection and supervision
- xv. Methods to improve the rooting environment for retained and proposed trees and landscaping
- xvi. Veteran and ancient tree protection and management

The development thereafter shall be implemented in strict accordance with the approved details.

15. Tree Retention

No trees shown to be retained on drawing XX shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Additional Note: tree conditions are included here as Biodiversity officers have also provided arboricultural comments in the past. These are the conditions that are regularly used by the Tree Officers. These could form a separate set of standard conditions if necessary.

16. Advice Notes/Informatives

Protected Species

Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996.

If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. You should then seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats). This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

1. Great Crested Newts (European Protected Species)

There is a low risk that great crested newts (GCN) may be present at the application site. The District Council considers it would be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development. However, the application site lies within either a red or an amber impact zone as per the modelled district licence map, which indicates that there is suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

The following recommendations are provided to further reduce the likelihood of impacts on this species:

- *Any trenches left overnight should be covered or provided with ramps to prevent GCN from becoming trapped.*
- *Any building materials such as bricks, stone etc. should be stored on pallets to discourage GCN from using them as shelter.*
- *Any demolition materials should be stored in skips or similar containers rather than in piles on ground.*

2. Bat Advice Note

If a bat or evidence of bats using a feature on site is discovered prior to or during development all work should stop immediately. A licensed bat consultant or Natural England must be contacted and works implemented only in accordance with methods advised by them. This advice note should be provided to any persons/contractors carrying out the development along with the contact details of a relevant ecological consultant.

This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017. This advice note should be passed on to any persons/contractors carrying out the development.

3. EPS Licence Required



There is evidence to indicate this site supports populations of European protected species (bats, great crested newts, dormice). These species are protected by law. Prior to undertaking any works a European Protected Species Licence, administered by Natural England, will be required.