

# Bromley Biodiversity Plan 2015 – 2020

## APPENDIX F:



### Best Practise Guidelines for Planners & Developers

Public and Local Authorities have a statutory obligation to conserve and enhance biodiversity under the Natural Environment and Rural Communities Act (NERC) 2006. This act extended the biodiversity duty set out in the Countryside and Rights of Way (CROW) Act to public bodies and statutory undertakers to ensure due regard to the conservation of biodiversity.

*“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”* NERC Act (2006) Section 40 (1).

Planners and developers have the greatest potential to affect the borough’s biodiversity, whether positively or negatively, in their approach to development. Whilst wildlife is present within statutorily protected sites, most often species are found outside these, and are therefore vulnerable to built developments and land use changes. Consideration for the natural history of a development plot and a sympathetic approach towards existing wildlife is fundamental to protecting Bromley’s biodiversity.

The following guidance sets out the key considerations relating to wildlife and biodiversity that should be taken into account at all stages of a development proposal.

#### General Approach:

Development should not lead to a loss of biodiversity and ideally should enhance it. Important habitats and species should be protected from harmful development. Any adverse effects should be avoided, minimised and/or compensated for, and every opportunity should also be taken to create improvements for biodiversity (see NERC Act 2006 section 40 (3)).

Developers are expected to

- i. Provide accurate information with the planning application on the existence of habitats or biodiversity features and species present on the proposed development site.
- ii. Where it is known a protected species or priority habitat is present, they are to ensure assessments are undertaken to show the impact of the proposed development. Priority habitats highlighted in Bromley’s Biodiversity Action Plans and the succeeding Bromley Biodiversity Plan are woodland, ancient trees, hedgerows, chalk, acid and neutral grassland, lowland heath and valley mire, wetland (including ponds), scrub, churchyards and cemeteries, gardens and allotments. Priority Species are listed in **Section 4 and Appendix C**.
- iii. When assessments indicate that species or habitats will be affected, the development proposal should be designed to minimise this impact.

## Step 1: Gathering Information

Before undertaking design work or submission of a planning application, it is important for developers to be able to assess the biodiversity value of the site.

- **Are there any trees on or adjacent to the development site?** A topographical survey will show the location of existing trees. A tree survey (including information on any trees protected by Tree Preservation Orders) should take place on existing trees including ancient trees and notification of trees with holes or crevices which may be used by bats.
- **Are there any protected or priority plants, fungi, invertebrates, amphibians, reptiles, birds or mammals (including bats) using the development site? (See Bromley Biodiversity Plan, section 4: Protected Species in Bromley.)** It is advisable to contact Greenspace Information for Greater London (GiGL) for any existing site-specific species data, or you may need a survey by a qualified ecologist. The National Biodiversity Network (NBN) should also be checked for species records as some wildlife bodies send their survey data directly to the NBN, by passing the local records centre. An ecological survey should identify the presence or potential presence of any protected species on the development site.
- **Are there any priority habitats or biodiversity features or geological features on or next to the site?** Examples include:
  - **Semi-natural ancient woodland (SNAW).** Check the Ancient Woodland Inventory for Greater London. Note that activities which damage the woodland floor such as paint balling and trail riding greatly reduce the biodiversity of this habitat. Natural England provide standing advice regarding ancient woodland at [www.gov.uk/ancient-woodland-and-veteran-trees-protection-surveys-licences](http://www.gov.uk/ancient-woodland-and-veteran-trees-protection-surveys-licences)
  - **Secondary Woodland.** All woodland may support rare and protected species including dormice, bats, stag beetles and birds.
  - **Hedgerows:** Many are an important part of Bromley's natural and historic heritage. Their importance for biodiversity and as part of the landscape is recognised in the Hedgerow Regulations 1997 (see <http://www.legislation.gov.uk/ukxi/1997/1160/schedule/1/made> and the UDP Policy NE9 and draft Local Plan section 8.9 which states, '*In considering development proposals, the Council will normally expect the retention and beneficial management of any existing hedgerow; where a hedgerow is to be removed, the Council will, where appropriate, require its replacement with native hedgerow species.*' Specific species surveys may also be required to accompany the planning application because:
    - a) Hedgerows are used by dormice (a European protected species), which are quite widespread in the south of the borough. Dormice both live in species-rich hedgerows and use them for access between woodlands. During the winter months they hibernate in hedgebanks, coppice stools etc.  
Hedgerows are important for bats, both as foraging areas and to navigate through the landscape – a 10m gap will prevent bats from reaching areas

previously used for foraging. Slow worms and lizards may both shelter in hedgerows and bask on open hedge banks.

- [Grassland and scrub. Planning applications involving loss or damage to grassland and scrub may require an ecological survey since these habitats often support protected species such as great crested newts \(these animals only visit ponds to breed\), slow worm, common lizard, grass snake, adder and declining species such hedgehogs and skylarks which were added to UK Priority List of Species & Habitats in 2007. Scrub is also important for nesting birds, and bats frequently forage above it.](#)
- **Is there an old lawn present which has been untreated by fertilisers, pesticides, herbicides and fungicides for a long period of time?** If so the lawn should be surveyed for rare grassland fungi and should not be lost or damaged (e.g by compaction from heavy machinery or stored materials). Surveying for grassland fungi needs to be carried out in October/November. These fungi are rare in Europe as well as the UK, see <http://bioref.lastdragon.org/habitats/WaxcapGrassland.html>
- **Wetland including ponds** have a high biodiversity value. Check for the presence of great crested newts, water vole (River Cray area) and grass snake.

An ecological survey by a qualified ecologist will assess the impact of the development on priority habitats.

- **Is the site adjacent to a Site of Special Scientific Interest (SSSI), Local Nature reserve (LNR) or Site of Importance for Nature Conservation (SINC)?** See Appendix B: Map of Bromley SINCS. An ecological survey must assess the impact of development on any adjacent SSSI, LNR or SINC. The layout and design of the development should avoid harm to wildlife and habitats where possible.
- **Is there a badger sett on site?** Badgers and their setts are protected under the Badgers Act 1992

## Ecological Surveying

Ecological surveys should be completed in the early stages of a project, so that the information can be included in the planning application and if necessary, be incorporated into the design of the development. Planning applications can be delayed if the Local Planning Authority has to request further surveys.

It is worth noting that any pre-existing species data is only useful in guiding the way. Existing data may be old, or there may be no existing records in the area. Many sites will never have been subject to ecological survey before, and **an absence of records does not mean an absence of species.**

Table VIII gives an outline of the type of ecological survey that may be required in a development proposal. Some developments may also require an Environmental Impact Assessment (EIA) under the Town and Country Planning Regulations 1999. A Phase 1 habitat survey can be used to identify the habitat types present on a development site and which species surveys may be required.

**Table VIII: Development Proposals that will require Ecological Survey**

Development Details	Species Likely To Be Affected/ Surveys Required.
<p>A development including the modification, conversion, demolition or removal of buildings or structures (especially roof voids) involving the following:</p> <ul style="list-style-type: none"> <li>• Agricultural buildings (particularly of brick or stone construction with wooden beams)</li> <li>• Roofs</li> <li>• Unused industrial chimneys which are unlined and of brick or stone construction.</li> <li>• Tunnels, culverts, mines, kilns, ice-houses, air-raid shelters, cellars and similar underground ducts and structures.</li> <li>• Bridges, aqueducts and viaducts</li> <li>• Green Roofs</li> </ul>	<p>Bats, Barn Owl, Breeding Birds</p> <p>Bats, Breeding Birds</p> <p>Bats</p> <p>Bats</p> <p>Bats</p> <p>Breeding Birds, Wintering Birds, Plants, Invertebrates.</p>
<p>Proposals for lighting of churches and listed buildings or flood lighting along river corridors, or of green space within 50m of woodland, water, hedgerows or lines of trees.</p>	<p>Bats, Breeding Birds, Invertebrates</p>
<p>Proposals affecting woodland or hedgerows and/or lines of trees with connectivity to woodland or water bodies.</p>	<p>Bats, Dormice, Breeding Birds, Badger, Reptiles, Plants</p>
<p>Proposals affecting established grassland or scrubland including roadside verges.</p>	<p>Breeding Birds, Wintering Birds, Reptiles, Plants, Invertebrates, Grassland fungi</p>
<p>Proposed tree work (felling or lopping) and/or development affecting:</p> <ul style="list-style-type: none"> <li>• Veteran trees (&gt;100 years old)</li> <li>• Trees with cracks and cavities</li> <li>• Trees with substantial ivy cover</li> <li>• Trees with girth greater than 50cm at chest height.</li> </ul>	<p>Bats, Barn Owl, Breeding Birds, Lichens</p> <p>Bats, Barn Owl, Breeding Birds</p> <p>Bats, Breeding Birds</p> <p>Bats, Barn Owl, Breeding Birds, Lichens</p>

Proposals affecting gravel pits or quarries and natural cliff faces and rock outcrops with crevices or caves.	Bats, Breeding Birds, Amphibians, Reptiles
Proposals within 250m of a pond (500m of known Great Crested Newts).	Breeding Birds, Great Crested Newt.
Proposals affecting or within 200m of rivers, streams, canals, lakes or other aquatic habitats such as reedbed.	Bats, Breeding Birds, Wintering Birds, Great Crested Newt, Water Vole, Amphibians, Plants
Proposals affecting 'derelict' land (brownfield sites), allotments and railway land.	Breeding Birds, Wintering Birds, Great Crested Newt, Badger, Reptiles, Amphibians, Invertebrates.
Proposals affecting bare ground and/or sparsely vegetated sites in any location.	Breeding Birds, Wintering Birds. Reptiles Invertebrates
Proposed development affecting any buildings, structures, feature or locations where protected and/or priority species are known to be present.	Bats, Barn Owl, Breeding Birds, Wintering Birds, Great Crested Newt, Water Vole, Badger, Reptiles, Amphibians, Plants, Invertebrates, Stag Beetle.
Proposed development involving old lawns attached to substantial houses	Fungi
<b>Adapted from Table 5.1, Biodiversity Supplementary Planning Document, 2012, LB Barking &amp; Dagenham.</b>	

Surveys of particular species and habitats often need to take place at particular times of year. Surveys completed out of season will not provide accurate information and could cause delays in processing an application. Table 2. Indicates the optimal surveying times for typical species surveys.

Planners should be aware that Natural England provides Standing Advice about species most often affected by development. Local planning authorities must take this advice into account if species are identified within or adjacent to the development site. See:

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>.



## Step 2: Design Stage

The information provided in Step 1 should be incorporated into the development design in one of the following ways.

### Protection

For sites with existing biodiversity value.

- Site layout and design should seek to retain existing habitats and features that benefit wildlife, giving priority to protected species and habitats included in the Bromley Biodiversity Plan.
- Consideration should be given to features adjacent to the development that may be affected by the scheme. For example when development is proposed adjacent to woodland, a buffer zone between the woodland and the development site should extend as least as far as the tree canopy to avoid loss of trees later.
- When a site or surrounding has clear biodiversity value and insufficient steps are taken to reasonably protect it, then planning permission may be refused on these grounds, once all other planning issues have been taken into account.
- Where a hedgerow is to be retained there should be sufficient distance between the hedgerow and any development to ensure that enough light reaches the hedgerow base to allow continued growth. Protection afforded to significant hedgerows during development under Section 8.9 of the draft UDP/Local Plan should include a minimum distance to prevent damage to the hedgerow shrub roots. A buffer zone of rough grassland of 1 metre should be retained adjacent to any hedgerow as this will increase its biodiversity value.
- In the case of retention of an important species-rich or historic hedgerow alongside a new development, the developer should be encouraged to provide short leaflets for the new property owners explaining the importance of the hedgerow, how to look after it and where to seek advice. See <http://www.hedgeline.org.uk/documents/Complete%20Good%20Hedge%20Management%20Guide%20Leaflet.pdf>

### Enhancement

For sites which have limited biodiversity interest.

Developers should look to design in opportunities to improve habitats for biodiversity conservation and to increase the overall quality of the development by enhancing existing habitats or creating new areas appropriate to the wider landscape context.

For example by:

- Better management of habitats that already exist.
- Restoring habitats that have been degraded or neglected by previous development.
- Creating areas of new habitat such as woodland, hedgerows, scrubland, coarse grassland or ponds in landscaped areas or public open space.

- Siting open space and landscaping so that planting within them forms a wildlife corridor and habitat link between adjacent areas.
- Ensuring planting schemes use native species of local provenance unless there is a good reason why not (as might be the case within a garden). Any introduced plants should be locally grown from stock known to be disease free and in soil harbouring only native, and preferably local, fungi and soil animals. Otherwise there is a risk of spreading plant diseases e.g. problems caused by imported ash infected with the fungus *Chalara fraxinea*, oak processionary moth and the fungi *Phytophthora ramorum* and *P. kernoviae* imported on rhododendron.
- Where horticultural planting is appropriate, invasive species such as cherry laurel (*Prunus laurocerasus*) should never be included adjacent to any green space.
- Making provision on new buildings for species such as bats, house martins, swallows, swifts, barn owls or other species that might live locally, e.g. by incorporating bat bricks, bird boxes etc wherever appropriate.
- Restoring landfill and mineral sites to heathland, grassland or reedbed.
- Using Sustainable Drainage Schemes so that drainage infrastructure also acts as biodiversity habitat.
- Consider using green roofs/green walls in urban areas to mitigate excess heat as well as increasing biodiversity.

### **Mitigation of Harm**

For sites where some damage to existing habitats and species will occur.

In some cases, it may be possible to minimise the harm done to wildlife through the use of design measures such as:

- Timing the development of sites to avoid the breeding seasons of species present. For example, tree work and hedgerow removal, if agreed, should be carried out during the winter months (See **Appendix E: Land Managers Guidelines**)
- Creating buffer zones between sensitive areas and development areas to reduce disturbance to habitats.
- Ensuring that new infrastructure such as bridges are built to enable movement of wildlife to continue.
- Steps to ensure that the hydrological status of sensitive sites is maintained through the careful design of drainage infrastructure.
- Translocation of species from destroyed habitat (to be used as a last resort).
- A financial contribution to management of nearby existing wildlife sites, through a commuted sum, can be required where the development could lead to increased pressure on those sites (e.g. noise and disturbance through increased amenity use).
- Artificial lighting should avoid spill on to areas of greenspace, especially woodland and woodland edge, hedgerows, wildlife corridors (including waterways), ponds, trees and buildings that may support bat roosts and foraging areas or nesting birds.



The Royal Commission on Environmental Pollution (2009) recommends that planning guidance includes a presumption against the provision of artificial light in areas where it may have a negative impact on species of concern (see, 'The Royal Commission on Environmental Pollution: Artificial Light in the Environment at

<https://www.gov.uk/government/uploads/.../9780108508547.pdf>

Public bodies also have a 'biodiversity duty' under the NERC Act 2006 to consider the impact that lighting, polarisation and reflection will have on general biodiversity.

- For sites supporting badgers, construction work within 30m of an active sett can only be carried out between July and November and an exclusion zone has to be fenced off as approved by the LPA. Work closer to the sett than 30m has to be agreed with conditions approved by the LPA (see Bromley's Standard Planning Conditions).

**N.B. Mitigation reduces the level of harm caused, but it must be remembered that harm will still be done. When the proposed mitigation steps are insufficient, then planning permission may be refused once all other planning issues have been taken into account.**

### **Compensation for Loss**

For sites where damage is unavoidable, in spite of mitigation.

Where appropriate, the developer should propose steps for compensating for any loss to biodiversity by creating new habitat in replacement either on site or off-site. However, compensation for lost habitat will not make an unacceptable development acceptable. There are only very limited circumstances where this loss is justified.

Examples of compensating actions:

- Enhance existing water features or create a new one, including habitat suitable for water voles, foraging bats and amphibians.
- Allow areas of undisturbed bank-side vegetation on riverside developments
- Incorporate barn owl or bat 'lofts', bat bricks or bird boxes within building conversions. Incorporate bat bricks when repairing bridges over rivers.
- Create swift, swallow and house martin boxes attached to buildings.
- Create an area of wildflower meadow (plant native species of local origin) and allow natural expansions/colonisation.
- Retain as many trees as possible.
- Plant new trees (native and of local provenance).
- Maintain existing mature trees.
- Plant hedgerows with native species of local provenance wherever appropriate to link areas of wildlife habitat or define boundaries. The planting area should include an un-mowed buffer zone of at least 1 metre adjacent to the new hedgerow.
- Create general undisturbed areas of habitat (woodland, scrubland or grassland) that are managed for wildlife.

**N.B. Artificially created habitat will be greatly inferior (from a biodiversity perspective) to established habitat. Wherever possible, it will be better to retain a remnant of an established habitat rather than to try and recreate it in another area.**

### **Step 3. Monitoring and Management**

For sites where planning permission has been agreed.

Developers awarded planning permission need to ensure the success of biodiversity protection and enhancement measures through monitoring and management.

This may include:

- Monitoring of a site during and post construction to ascertain any effects on wildlife, especially protected species.
- Ensuring the development process complies with wildlife law.
- Monitoring retained features and new or enhanced habitats to gauge their success.
- Provision for the appropriate management of retained features and of new or enhanced habitats for as long as necessary; such as a 5-year management plan with the developer.
- Avoid the use of herbicides and pesticides within the management regime.
- Include management to prevent the spread of invasive species such as Japanese knotweed, Himalayan balsam, giant hogweed and the currently unregulated cherry laurel. In wetland areas these may include New Zealand pigmyweed (*Crassula helmsii*), parrot's feather (*Myriophyllum aquaticum*), floating pennywort (*Hydrocotyle ranunculoides*) and creeping water primrose (*Ludwigia grandiflora*, *L. hexapetala* and *L. peploides*). (See **Appendix D: Invasive Non-Native Species in Bromley**)
- Agreement with a local residents or Friends group to handover on-going management responsibility.
- A commuted sum for management secured through a planning obligation to cover long-term maintenance costs.

### **Biodiversity Advice for Permitted Development**

Permitted development refers to improvements homeowners can make to their houses without the need for a planning application.

Although planning permission is not required, it is still necessary to ascertain the presence of protected species in order to comply with relevant wildlife legislation.

Typically birds and bat species are most affected. Surveying for nesting birds or roosting bats is advisable before starting work. For work affecting ponds, a survey for great crested newts is also advisable since they are a European Protected Species. The development of a site where European protected species occur can go ahead only if licensed by Natural England.

**Birds** – to avoid disturbing nesting birds, necessary work must be done outside the nesting season. All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000) whilst they are actively nesting or roosting.

**Bats** – are European Protected Species. It is an offence to damage, destroy or disturb access to any structure or place that a bat uses for shelter or protection, even when bats are absent, and when bats are found to be present, undertaking works may require a license from Natural England. It is recommended that householders consult a qualified bat surveyor.

**Badgers** and their setts are protected under the Badgers Act 1992

**Reptiles:** Slow worm, common viviparous lizard, adder and grass snake are protected from intentional killing or injuring under the Wildlife and Countryside Act 1981.

If nesting birds, dormice, great crested newts, bats or reptiles are discovered once works have started, the work must stop immediately and the home owner should contact Natural England for advice and the local planning authority should be informed.

## Useful References

A Vascular Plant Red List for England 2014: [http://bsbi.org.uk/England\\_Red\\_List.pdf](http://bsbi.org.uk/England_Red_List.pdf)

Bromley Biodiversity Plan 2015 - 2020

Countryside and Rights of Way (CROW) Act 2000:  
[www.legislation.gov.uk/ukpga/2000/37/contents](http://www.legislation.gov.uk/ukpga/2000/37/contents)

Grassland Fungi: <http://bioref.lastdragon.org/habitats/WaxcapGrassland.html>

Hedgeline:

<http://www.hedgeline.org.uk/documents/Complete%20Good%20Hedge%20Management%20Guide%20Leaflet.pdf>

Hedgerow Regulations 1997

<http://www.legislation.gov.uk/ukxi/1997/1160/schedule/1/made>  
<http://www.biodiversityplanningtoolkit.com>

Natural England Standing Advice: <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

Natural Environment and Rural Communities (NERC) Act 2006

<http://www.legislation.gov.uk/ukpga/2006/16/section/40> .

Protected Species in London, Greater London Authority 2005:

[http://www.legacy.london.gov.uk/mayor/environment/biodiversity/docs/protected\\_species\\_in\\_london.pdf](http://www.legacy.london.gov.uk/mayor/environment/biodiversity/docs/protected_species_in_london.pdf)

The Badgers Act 1992: <http://www.legislation.gov.uk/ukpga/1992/51/contents>

The Royal Commission on Environmental Pollution: Artificial Light in the Environment at <https://www.gov.uk/government/uploads/.../9780108508547.pdf.pdf>

[UK Priority List of Species & Habitats in 2007:](http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx)

<http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Wildlife and Countryside Act 1981 as amended:

<http://www.legislation.gov.uk/ukpga/1981/69>

**LBB UDP. Adopted UDP written statement available at**  
[www.bromley.gov.uk/UDP/contents\\_written.htm](http://www.bromley.gov.uk/UDP/contents_written.htm)

**LBB Draft Local Plan available at time of writing on the LBB website at**  
[bromley-consult.objective.co.uk/portal/lpdpd/lpdpc?pointId=2734272](http://bromley-consult.objective.co.uk/portal/lpdpd/lpdpc?pointId=2734272)