

Appendix 7.2 Planning Policy

| Planning policy context for biodiversity | |
|--|--|
| Policy reference | Implications |
| Overarching National Policy Statement for Energy (EN-1) ¹ | Paragraph 4.6.2 of EN-1 states: <i>“Biodiversity net gain is an essential component of environmental net gain. Projects in England should consider and seek to incorporate improvements in natural capital, ecosystem services and the benefits they deliver when planning how to deliver biodiversity net gain.”</i> |
| | Paragraph 4.6.6-4.6.8 of EN-1 detail the requirements for biodiversity net gain in the application, these state: 4.6.6 <i>“Energy NSIP proposals, whether onshore or offshore, should seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity, and the wider environment where possible”</i> 4.6.7 <i>“In England applicants for onshore elements of any development are encouraged to use the latest version of the biodiversity metric¹⁵ to calculate their biodiversity baseline and present planned biodiversity net gain outcomes. This calculation data should be presented in full as part of their application.”</i> 4.6.8 <i>“Where possible, this data should be shared, alongside a completed biodiversity metric calculation, with the Local Authority and Natural England for discussion at the pre-application stage as it can help to highlight biodiversity and wider environmental issues which may later cause delays if not addressed.”</i> |
| | Paragraph 4.6.10 of EN-1 states: <i>“Biodiversity net gain should be applied after compliance with the mitigation hierarchy and does not change or replace existing environmental obligations, although compliance with those obligations will be relevant to the question of the baseline for assessing net gain and if they deliver an additional enhancement beyond meeting the existing obligation, that enhancement will count towards net gain.”</i> |
| | Paragraphs 4.6.11-4.6.12 of EN-1 cover off-site delivery of biodiversity net gain and state: 4.6.11 <i>“Biodiversity net gain can be delivered onsite or wholly or partially off-site. We encourage details of any off-site delivery of biodiversity net gain to be set out within the application for development consent.”</i> 4.6.12 <i>“When delivering biodiversity net gain off-site, developments should do this in a manner that best contributes to the achievement of relevant wider strategic outcomes, for example by increasing habitat connectivity, enhancing other ecosystem service outcomes, or considering use of green infrastructure strategies. Reference should be made to relevant national or local plans and strategies, to inform off-site biodiversity net gain delivery. If published, the relevant strategy is the Local Nature Recovery Strategy (LNRS). If an LNRS has not been published, the relevant consenting body or planning authority may specify alternative plans, policies or strategies to use.”</i> |
| | Paragraph 4.6.13 of EN-1 states: <i>“In addition to delivering biodiversity net gain, developments may also deliver wider environmental gains and benefits to communities relevant to the local area, and to national policy priorities, such as</i> <ul style="list-style-type: none"> • reductions in GHG emissions • reduced flood risk • improvements to air or water quality, |

¹ Overarching National Policy Statement for Energy (EN-1) (2023).

| Planning policy context for biodiversity | |
|--|--|
| Policy reference | Implications |
| | <ul style="list-style-type: none"> • <i>climate adaptation,</i> • <i>landscape enhancement</i> • <i>increased access to natural greenspace, or</i> • <i>the enhancement, expansion or provision of trees and woodlands</i> <p><i>The scope of potential gains will be dependent on the type, scale, and location of specific projects. Applicants should look for a holistic approach to delivering wider environmental gains and benefits through the use of nature-based solutions and Green Infrastructure.”</i></p> |
| | <p>Paragraph 4.6.14 of EN-1 states: <i>“The Environment Act 2021 mandated the preparation of Local Nature Recovery Strategies (LNRSs) across England. They are a new system of spatial strategies for nature recovery and will play a major role in providing detail on the best locations to create, enhance and restore nature and deliver wider environmental benefits. LNRSs will also agree priorities for nature recovery and map the most valuable existing areas for nature. They will be critical in delivering new government targets for species abundance and habitat creation commitments, as well as other pressing environmental outcomes for water and flood risk, carbon and tree planting and woodland creations. LNRSs will also drive the creation of a Nature Recovery Network (NRN), a major commitment in the government’s 25 Year Environment Plan.”</i></p> |
| | <p>Paragraph 4.6.15 of EN-1 states: <i>“Applications for development consent should be accompanied by a statement demonstrating how opportunities for delivering wider environmental net gains have been considered, and where appropriate, incorporated into proposals as part of good design (including any relevant operational aspects) of the project.”</i></p> |
| | <p>Paragraph 5.4.3 of EN-1 states: <i>“The wide range of legislative provisions at the international and national level that can impact on planning decisions affecting biodiversity and geological conservation issues are set out in a Government Circular². The National Planning Policy Framework and Natural Environment Planning Practice Guidance document sets out good practice in England in relation to planning for biodiversity and geological conservation....”</i></p> |
| | <p>Paragraph 5.4.4 and 5.4.5 of EN-1 cover Habitat Regulation Assessments and state:</p> <p><i>5.4.4. The highest level of biodiversity protection is afforded to sites identified through international conventions. The Habitats Regulations set out sites for which an HRA will assess the implications of a plan or project, including Special Areas of Conservation and Special Protection Areas.</i></p> <p><i>5.4.5 “As a matter of policy, the following should be given the same protection as sites covered by the Habitats Regulations and an HRA will also be required:</i></p> <p><i>(a) potential Special Protection Areas and possible Special Areas of Conservation;</i></p> <p><i>(b) listed or proposed Ramsar sites; and</i></p> <p><i>(c) sites identified, or required, as compensatory measures for adverse effects on any of the other sites covered by this paragraph.</i></p> |
| | <p>Paragraph 5.4.7 and 5.4.8 of EN-1 cover SSSIs and state:</p> <p><i>5.4.7 “Many SSSIs are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of</i></p> |

² Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (ODPM 06/2005, Defra 01/2005)

| Planning policy context for biodiversity | |
|---|---|
| Policy reference | Implications |
| | <p><i>SSSIs not covered by an international designation, should be given a high degree of protection. Most National Nature Reserves are notified as SSSIs.</i></p> <p>5.4.8 <i>“Development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits (including need) of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs.”</i></p> |
| | <p>Paragraph 5.4.12 of EN-1 states: <i>“Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Wildlife Sites, are areas of substantive nature conservation value and make an important contribution to ecological networks and nature’s recovery. They can also provide wider benefits including public access (where agreed), climate mitigation and helping to tackle air pollution.”</i></p> |
| | <p>Paragraph 5.4.14 to 5.4.15 of EN-1 cover irreplaceable habitats including Lowland Fen and state:</p> <p>5.4.14 <i>“Irreplaceable habitats are habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. “</i></p> <p>5.4.15 <i>“Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Keepers of Time, the government’s policy for ancient and native trees and woodlands in England sets out the government’s commitment to maintain and enhance the existing area of ancient woodland, maintain and enhance the existing resource of known ancient and veteran trees, excluding natural losses from disease and death, and to increase the percentage of ancient woodland in active. Ancient and veteran trees found outside ancient woodland are also particularly valuable. Other types of irreplaceable habitats include blanket bog, limestone pavement, coastal sand dunes, spartina salt marsh swards, mediterranean saltmarsh, scrub, and lowland fen”</i></p> |
| | <p>Paragraph 5.4.16 of EN-1 states: <i>“Many individual species receive statutory protection under a range of legislative provisions. Other species and habitats have been identified as being of principal importance for the conservation of biodiversity in England and Wales, as well as for their continued benefit for climate mitigation and adaptation and thereby requiring conservation action</i></p> |
| | <p>Paragraphs 5.4.17 to 5.4.22 of EN-1 cover the EIA application and state:</p> <p>5.4.17 <i>“Where the development is subject to EIA the applicant should ensure that the ES clearly sets out any effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats. “</i></p> <p>5.4.18 <i>“The applicant should provide environmental information proportionate to the infrastructure where EIA is not required to help the Secretary of State consider thoroughly the potential effects of a proposed project.”</i></p> |

| Planning policy context for biodiversity | |
|--|---|
| Policy reference | Implications |
| | <p>5.4.19 <i>“The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.”</i></p> <p>5.4.20 <i>“Applicants should consider wider ecosystem services and benefits of natural capital when designing enhancement measures.”</i></p> <p>5.4.21 <i>“As set out in Section 4.7, the design process should embed opportunities for nature inclusive design. Energy infrastructure projects have the potential to deliver significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains (see Section 4.6 on Environmental and Biodiversity Net Gain). The scope of potential gains will be dependent on the type, scale, and location of each project. “</i></p> <p>5.4.22 <i>“The design of Energy NSIP proposals will need to consider the movement of mobile / migratory species such as birds, fish and marine and terrestrial mammals and their potential to interact with infrastructure. As energy infrastructure could occur anywhere within England and Wales, both inland and onshore and offshore, the potential to affect mobile and migratory species across the UK and more widely across Europe (transboundary effects) requires consideration, depending on the location of development.”</i></p> |
| | <p>Paragraphs 5.4.25 to 5.4.31 of EN-1 covers Habitat Regulations and states:</p> <p>5.4.25 <i>“The applicant should seek the advice of the appropriate SNCB and provide the Secretary of State with such information as the Secretary of State may reasonably require, to determine whether an HRA Appropriate Assessment (AA) is required. Applicants can request and agree ‘Evidence Plans’ with SNCBs, which is a way to record upfront the information the applicant needs to supply with its application, so that the HRA can be efficiently carried out. If an AA is required, the applicant must provide the Secretary of State with such information as may reasonably be required to enable the Secretary of State to conduct the AA. This should include information on any mitigation measures that are proposed to minimise or avoid likely significant effects.”</i></p> <p>5.4.26 <i>“If, during the pre-application stage, the SNCB indicate that the proposed development is likely to adversely impact the integrity of habitat sites, the applicant must include with their application such information as may reasonably be required to assess a potential derogation under the Habitats Regulations.”</i></p> <p>5.4.27 <i>“If the SNCB gives such an indication at a later stage in the development consent process, the applicant must provide this information as soon as is reasonably possible and before the close of the examination. This information must include assessment of alternative solutions, a case for Imperative Reasons of Overriding Public Interest (IROPI) and appropriate environmental compensation.”</i></p> <p>5.4.28 <i>“Provision of such information will not be taken as an acceptance of adverse impacts and if an applicant disputes the likelihood of adverse impacts, it can provide this information as part of its application ‘without prejudice’ to the Secretary of State’s final decision on the impacts of the potential development. If, in these circumstances, an applicant does not supply information required for the assessment of a potential derogation, there will be no expectation that the Secretary of State will allow the applicant the opportunity to provide such information following the examination.”</i></p> |

| Planning policy context for biodiversity | |
|--|---|
| Policy reference | Implications |
| | <p>5.4.29 <i>"It is vital that applicants consider the need for compensation as early as possible in the design process as 'retrofitting' compensatory measures will introduce delays and uncertainty to the consenting process."</i></p> <p>5.4.30 <i>"Applicants should work closely at an early stage in the pre-application process with SNCB and Defra/Welsh Government to develop a compensation plan for all protected sites adversely affected by the development. Applicants should engage with the relevant Local Planning Authority at an early stage regarding the proposed location of compensatory measures. Applicants should also take account of any strategic plan level compensation plans in developing project level compensation plans."</i></p> <p>5.4.31 <i>"Before submitting an application, applicants should seek the views of the SNCB and Defra/Welsh Government as to the suitability, securability and effectiveness of the compensation plan to ensure the development will not hinder the achievement of the conservation objectives for the protected site. In cases where such views are provided, the applicant should include a copy of this information with the compensation plan in their application for further consideration by the Examining Authority."</i></p> |
| | <p>Paragraph 5.4.32 states <i>"Applicants should include measures to mitigate fully the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both construction and operational phase."</i></p> |
| | <p>Paragraphs 5.4.33 to 5.4.34 of EN1 covers habitat and species protection and state:</p> <p>5.4.33 <i>"Applicants should consider any reasonable opportunities to maximise the restoration, creation, and enhancement of wider biodiversity, and the protection and restoration of the ability of habitats to store or sequester carbon as set out under Section 4.6."</i></p> <p>5.4.34 <i>"Consideration should be given to improvements to, and impacts on, habitats and species in, around and beyond developments, for wider ecosystem services and natural capital benefits, beyond those under protection and identified as being of principal importance. This may include considerations and opportunities identified through Local Nature Recovery Strategies, and national goals and targets set through the Environment Act 2021 and the Environmental Improvement Plan 2023."</i></p> |
| | <p>Paragraph 5.4.35 and 5.4.36 of EN-1 cover mitigation and state:</p> <p>5.4.35 <i>"Applicants should include appropriate avoidance, mitigation, compensation and enhancement measures as an integral part of the proposed development. In particular, the applicant should demonstrate that:</i></p> <ul style="list-style-type: none"> <i>• during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works</i> <i>• the timing of construction has been planned to avoid or limit disturbance during construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements</i> <i>• habitats will, where practicable, be restored after construction works have finished</i> <i>• opportunities will be taken to enhance existing habitats rather than replace them, and where practicable, create new habitats of value within the site landscaping proposals. Where habitat creation is required as mitigation, compensation, or enhancement the location and quality will be</i> |

| Planning policy context for biodiversity | |
|---|---|
| Policy reference | Implications |
| | <p>of key importance. In this regard habitat creation should be focused on areas where the most ecological and ecosystems benefits can be realised.</p> <ul style="list-style-type: none"> • mitigations required as a result of legal protection of habitats or species will be complied with.” <p>5.4.36 “Applicants should produce and implement a Biodiversity Management Strategy as part of their development proposals. This could include provision for biodiversity awareness training to employees and contractors so as to avoid unnecessary adverse impacts on biodiversity during the construction and operation stages.”</p> |
| National Policy Statement for Renewable Energy Infrastructure (EN-3) ³ | <p>In the section on Solar Photovoltaic Generation paragraphs 2.10.76 to 2.10.80 state:</p> <p>2.10.76 “The applicant’s ecological assessments should identify any ecological risk from developing on the proposed site.”</p> <p>2.10.77 “Issues that need assessment may include habitats, ground nesting birds, wintering and migratory birds, bats, dormice, reptiles, great crested newts, water voles and badgers.”</p> <p>2.10.78 “The applicant should use an advising ecologist during the design process to ensure that adverse impacts are avoided, minimised or mitigated in line with the mitigation hierarchy, and biodiversity enhancements are maximised.”</p> <p>2.10.79 “The assessment may be informed by a ‘desk study’ of existing ecological records, an evaluation of the likely impacts of the solar farm upon ecological features and should specify mitigation to avoid or minimise these impacts, and any further surveys required.”</p> <p>2.10.80 “Applicants should consider earthworks associated with construction compounds, access roads and cable trenching.”</p> |
| | <p>Paragraph 2.10.81 states: “Where soil stripping occurs topsoil and subsoil should be stripped, stored, and replaced separately to minimise soil damage and to provide optimal conditions for site restoration. Further details on minimising impacts on soil and soil handling are above at paragraphs 2.10.18 and 2.10.19.”</p> |
| | <p>Paragraph 2.10.82 states “Applicants should consider how security and lighting installations may impact on the local ecology. Where pole mounted CCTV facilities are proposed the location of these facilities should be carefully considered in order to minimise impact. If lighting is necessary, it should be minimised and directed away from areas of likely habitat.”</p> |
| | <p>Paragraph 2.10.83 states “The assessment should consider how site boundaries are managed. If any hedges/scrub are to be removed, further surveys may be necessary to account for impacts. Buffer strips between perimeter fencing and hedges may be proposed, and the construction and design of any fencing should account for enabling mammal, reptile and other fauna access into the site if required to do so in the ecological report”</p> |
| | <p>Paragraph 2.10.128 to 2.10.130 cover mitigation and state:</p> <p>2.10.128 “In England, proposed enhancements should take account of the above factors and as set out in Sections 4.6 and 5.5 of EN-1 aim to achieve environmental and biodiversity net gain in line with the ambition set out in the Environmental Improvement Plan and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere.”</p> <p>2.10.129 “This might include maintaining or extending existing habitats and potentially creating new important habitats, for example by installing cultivated strips/plots for rare arable plants, rough grassland margins,</p> |

³ National Policy Statement for Renewable Energy Infrastructure (EN-3) (2023).

| Planning policy context for biodiversity | |
|--|---|
| Policy reference | Implications |
| | <i>bumble bee plant mixes, and wild bird seed mixes.”</i> 2.10.130 “Applicants are advised to develop an ecological monitoring programme to monitor impacts upon the flora of the site and upon any particular ecological receptors (such as bats and wintering birds). Results of the monitoring will then inform any changes needed to the land management of the site, including, if appropriate, any livestock grazing regime.” |
| National Planning Policy Framework (NPPF) ⁴ | Paragraph 174 of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by: protecting and enhancing sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan; recognising the wider benefits from natural capital and ecosystem services; and minimising impacts on, and providing net gains for, biodiversity. |
| | Paragraph 179 of NPPF requires that plans should identify, map and safeguard component of local wildlife-rich habitats and wider ecological networks, including wildlife corridors, the hierarchy of designated sites, and areas identified by national and local, partnerships. They should also promote conservation, restoration and enhancement including HPI and SPI, as well as securing measurable net gain. |
| | Paragraph 180 of NPPF outlines that development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. If significant harm to biodiversity will result from a development that cannot be avoided, mitigated, or compensated for, permission should be refused opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate |
| | Paragraph 181 of NPPF outlines that potential, possible, listed or proposed sites, and those that are an identified compensatory measure, are to be protected as the equivalent designation. |
| | Paragraph 182 of NPPF outlines those potential impacts on sites requiring appropriate assessment will be considered ahead of the presumption for sustainable development. |
| Central Lincolnshire Local Plan (2023) | Policy S59 (Green and blue infrastructure network) states <i>The Central Lincolnshire Authorities will safeguard green and blue infrastructure in Central Lincolnshire from inappropriate development and work actively with partners to maintain and improve the quantity, quality, accessibility and management of the green infrastructure network.</i> <i>Proposals that cause loss or harm to the green and blue infrastructure network will not be supported unless the need for and benefits of the development demonstrably outweigh any adverse impacts. Where adverse impacts on green infrastructure are unavoidable, development will only be supported if suitable mitigation measures for the network are provided.</i> <i>Development proposals should ensure that existing and new green and blue infrastructure is considered and integrated into the scheme design from the outset. Where new green infrastructure is proposed, the design and layout should take opportunities to:</i> <i>a) incorporate a range of types and sizes of green and blue spaces, green routes and environmental features that are appropriate to the</i> |

⁴ National Planning Policy Framework (2023).

| Planning policy context for biodiversity | |
|--|--|
| Policy reference | Implications |
| | <p><i>development and the wider green and blue infrastructure network to maximise the delivery of multi-functionality;</i></p> <p><i>b) deliver biodiversity net gain and support ecosystem services;</i></p> <p><i>c) respond to landscape/townscape and historic character;</i></p> <p><i>d) support climate change adaptation and resilience including through use of appropriate habitats and species; and</i></p> <p><i>e) encourage healthy and active lifestyles</i></p> <p><i>Development proposals must protect the linear features of the green and blue infrastructure network that provide connectivity between green infrastructure assets, including public rights of way, bridleways, cycleways and waterways, and take opportunities to improve and expand such features.</i></p> <p><i>Development will be expected to make a contribution proportionate to their scale towards the establishment, enhancement and on-going management of green and/or blue infrastructure by contributing to the development of the strategic green infrastructure network within Central Lincolnshire, in accordance with the Developer Contributions SPD.</i></p> |
| | <p>Policy S60 (Biodiversity and Geodiversity) sets out the local authority's approach to protection of ecological networks and designated sites, minimising impacts on biodiversity and delivering a net gain in biodiversity. It states:</p> <p><i>All development should:</i></p> <p><i>a) protect, manage, enhance and extend the ecological network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;</i></p> <p><i>b) minimise impacts on biodiversity and features of geodiversity value;</i></p> <p><i>c) deliver measurable and proportionate net gains in biodiversity in accordance with Policy S61; and</i></p> <p><i>d) protect and enhance the aquatic environment within or adjoining the site, including water quality and habitat.</i></p> <p>Part One: Designated Sites</p> <p><i>The following hierarchy of sites will apply in the consideration of development proposals:</i></p> <p>1. International Sites</p> <p><i>The highest level of protection will be afforded to internationally protected sites. Development proposals that will have an adverse impact on the integrity of such areas, will not be supported other than in exceptional circumstances, in accordance with the NPPF.</i></p> <p><i>Development proposals that are likely to result in a significant adverse effect, either alone or in combination with other proposals, on any internationally designated site, must satisfy the requirements of the Habitats Regulations (or any superseding similar UK legislation). Development requiring Appropriate Assessment will only be allowed where it can be determined, taking into account mitigation, that the proposal would not result in significant adverse effects on the site's integrity.</i></p> <p>2. National Sites (NNRs and SSSIs)</p> <p><i>Development proposals should avoid impact on these nationally protected sites. Development proposals within or outside a national site, likely to have an adverse effect, either individually or in combination with other developments, will not normally be supported unless the benefits of the development, at this site, clearly outweigh both the adverse impacts on the features of the site and any adverse impacts on the wider network of nationally protected sites.</i></p> |

| Planning policy context for biodiversity | |
|--|--|
| Policy reference | Implications |
| | <p>3. Irreplaceable Habitats <i>Planning permission will be refused for development resulting in the loss, deterioration or fragmentation of irreplaceable habitats, including ancient woodland and aged or veteran trees, unless there are wholly exceptional reasons and a suitable compensation strategy will be delivered.</i></p> <p>4. Local Sites (LNR, LWS and LGS) <i>Development likely to have an adverse effect on locally designated sites, their features or their function as part of the ecological network, will only be supported where the benefits of the development clearly outweigh the loss, and the coherence of the local ecological network is maintained. Where significant harm cannot be avoided, the mitigation hierarchy should be followed.</i></p> <p>Part Two: Species and Habitats of Principal Importance <i>All development proposals will be considered in the context of the relevant Local Authority's duty to promote the protection and recovery of priority species and habitats.</i> <i>Development should seek to preserve, restore and re-create priority habitats, ecological networks and the protection and recovery of priority species set out in the Natural Environment and Rural Communities Act 2006, Lincolnshire Biodiversity Action Plan, Lincolnshire Geodiversity Strategy and Local Nature Recovery Strategy.</i> <i>Where adverse impacts are likely, development will only be supported where the need for and benefits of the development clearly outweigh these impacts. In such cases, appropriate mitigation or compensatory measures will be required.</i></p> <p>Part Three: Mitigation of Potential Adverse Impacts <i>Development should avoid adverse impact on existing biodiversity and geodiversity features as a first principle, in line with the mitigation hierarchy. Where adverse impacts are unavoidable they must be adequately and proportionately mitigated. If full mitigation cannot be provided, compensation will be required as a last resort where there is no alternative.</i> <i>Development will only be supported where the proposed measures for mitigation and/or compensation along with details of net gain are acceptable to the Local Planning Authority in terms of design and location, and are secured for the lifetime of the development with appropriate funding mechanisms that are capable of being secured by condition and/or legal agreement.</i> <i>If significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission will be refused.</i></p> |
| | <p>Policy S61: (Biodiversity Opportunity and Delivering Measurable Net Gains) details the local authority's approach to enhancement beyond mitigation. It states: <i>Following application of the mitigation hierarchy, all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management.</i> <i>Development proposals should create new habitats, and links between habitats, in line with Central Lincolnshire Biodiversity Opportunity and</i></p> |

| Planning policy context for biodiversity | |
|--|---|
| Policy reference | Implications |
| | <p><i>Green Infrastructure Mapping evidence, the biodiversity opportunity area principles set out in Appendix 4 to this Plan and the Local Nature Recovery Strategy (once completed), to maintain and enhance a network of wildlife sites and corridors, to minimise habitat fragmentation and provide opportunities for species to respond and adapt to climate change. Proposals for major and large scale development should seek to deliver wider environmental net gains where feasible.</i></p> <p>Biodiversity Net Gain</p> <p><i>The following part of the policy applies unless, and until, subsequently superseded, in whole or part, by national regulations or Government policy associated with the delivery of mandatory biodiversity net gain arising from the Environment Act 2021. Where conflict between the policy below and the provisions of Government regulations or national policy arises, then the latter should prevail.</i></p> <p><i>All qualifying (as defined by the Environment Act 2021, Schedule 14 Part 2, Paragraph 17) development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England's Biodiversity Metric.</i></p> <p><i>Biodiversity net gain should be provided on-site wherever possible. Off-site measures will only be considered where it can be demonstrated that, after following the mitigation hierarchy, all reasonable opportunities to achieve measurable net gains on-site have been exhausted or where greater gains can be delivered off-site where the improvements can be demonstrated to be deliverable and are consistent with the Local Nature Recovery Strategy. All development proposals, unless specifically exempted by Government, must provide clear and robust evidence for biodiversity net gains and losses in the form of a biodiversity gain plan, which should ideally be submitted with the planning application (or, if not, the submission and approval of a biodiversity gain plan before development commences will form a condition of any planning application approval), setting out:</i></p> <p><i>a) information about the steps to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;</i></p> <p><i>b) the pre-development biodiversity value of the onsite habitat;</i></p> <p><i>c) the post-development biodiversity value of the onsite habitat following implementation of the proposed ecological enhancements/interventions;</i></p> <p><i>d) the ongoing management strategy for any proposals;</i></p> <p><i>e) any registered off-site gain allocated to the development and the biodiversity value of that gain in relation to the development; and</i></p> <p><i>f) exceptionally any biodiversity credits purchased for the development through a recognised and deliverable offsetting scheme.</i></p> <p><i>Demonstrating the value of the habitat (pre and post-development) with appropriate and robust evidence will be the responsibility of the applicant. Proposals which do not demonstrate that the post-development biodiversity value will exceed the pre-development value of the onsite habitat by a 10% net gain will be refused.</i></p> <p><i>Ongoing management of any new or improved onsite and offsite habitats, together with monitoring and reporting, will need to be planned and funded for 30 years after completion of a development.</i></p> |
| South-East Lincs Local plan | <p>Policy 28: The Natural Environment</p> <p>A high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-</p> |

| Planning policy context for biodiversity | |
|--|--|
| Policy reference | Implications |
| | <p>friendly greenspace will be achieved by protecting, enhancing and managing natural assets:</p> <ol style="list-style-type: none"> 1. Internationally-designated sites, on land or at sea: <ol style="list-style-type: none"> a. development proposals that would cause harm to these assets will not be permitted, except in exceptional circumstances, where imperative reasons of overriding public interest exist, and the loss will be compensated by the creation of sites of equal or greater nature conservation value; b. all major housing proposals within 10km of The Wash and the North Norfolk Coast European Marine Site, including the Sustainable Urban Extensions in Boston (site Sou006 & Wes002), Spalding (site Pin024/Pin045) and Holbeach West (site Hob048), will be the subject of a project-level Habitats Regulations Assessment (HRA) to assess the impact of recreational pressure on The Wash and North Norfolk Coast European Marine Site. This should include: <ol style="list-style-type: none"> i. locally-specific information relating to access and site sensitivities; Where the project-level HRA concludes that avoidance and/or mitigation measures are required, it is expected that: <ol style="list-style-type: none"> ii. Suitable Alternative Natural Greenspace (SANGs) should be provided on site Sou006 and Wes002, site Pin024/Pin045 and site Hob048 as part of their package of mitigation measures; or iii. all other major housing proposals should provide SANGs on-site and/or through a financial contribution to provide and/or enhance natural greenspace in the locality; iv. Suitable Alternative Natural Greenspaces should be designed in accordance with capacity and facility requirements in relation to the developments they mitigate for, best practice elsewhere and relevant evidence. 2. Nationally or locally-designated sites and protected or priority habitats and species: <ol style="list-style-type: none"> a. development proposals that would directly or indirectly adversely affect these assets will not be permitted unless: <ol style="list-style-type: none"> i. there are no alternative sites that would cause less or no harm; and ii. the benefits of the development at the proposed site, clearly outweigh the adverse impacts on the features of the site and the wider network of natural habitats; and iii. suitable prevention, mitigation and compensation measures are provided. 3. Addressing gaps in the ecological network: <ol style="list-style-type: none"> a. by ensuring that all development proposals shall provide an overall net gain in biodiversity, by: <ol style="list-style-type: none"> i. protecting the biodiversity value of land, buildings and trees (including veteran trees) minimising the fragmentation of habitats; ii. maximising the opportunities for restoration, enhancement and connection of natural habitats and species of principal importance; iii. incorporating beneficial biodiversity conservation features on buildings, where appropriate; and maximising opportunities to enhance green infrastructure and ecological corridors, including water space; and iv. conserving or enhancing biodiversity or geodiversity conservation features that will provide new habitat and help wildlife to adapt to climate change, and if the development is within a Nature Improvement Area (NIA), contributing to the aims and objectives of the NIA. |