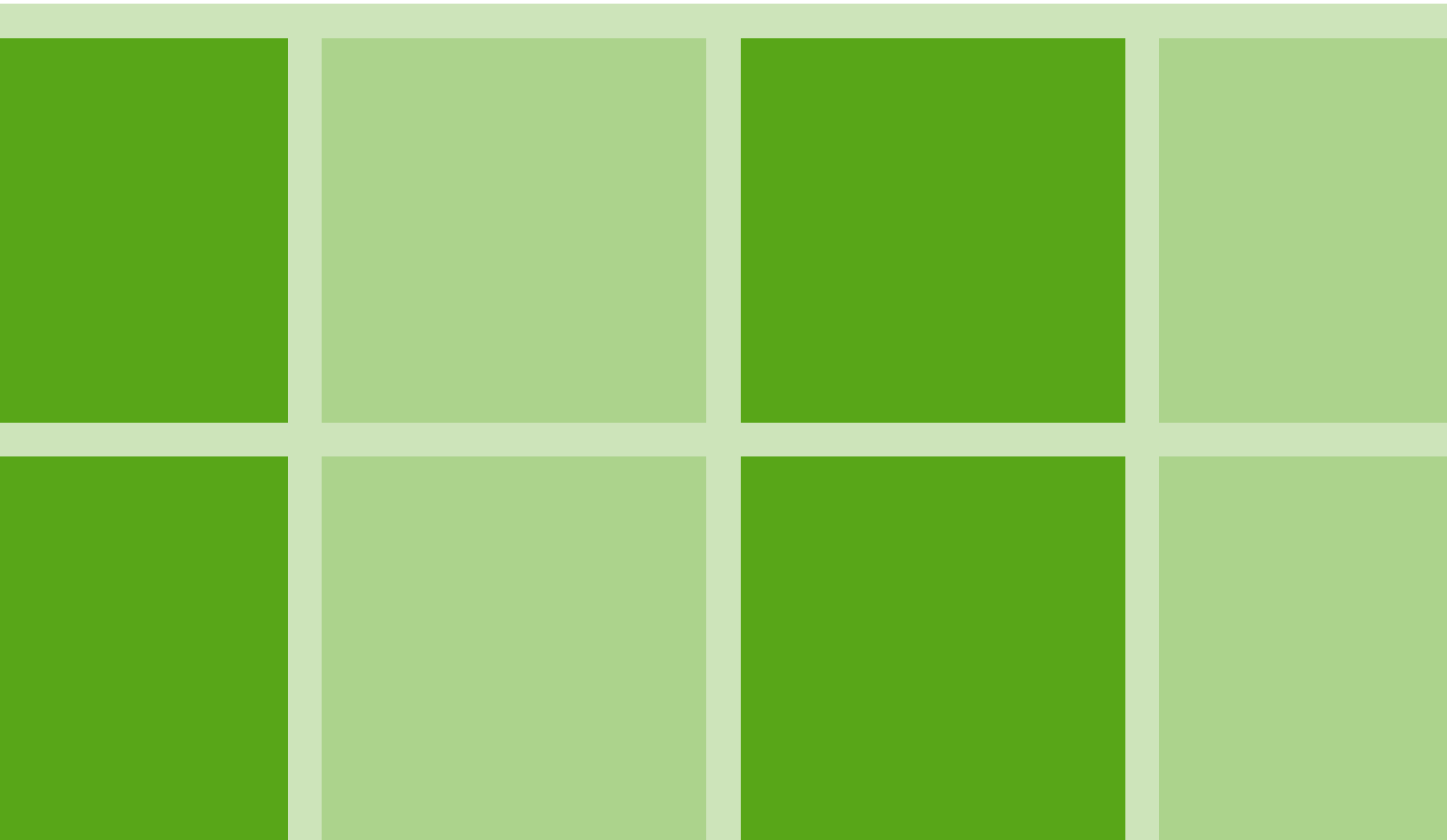


Technical Paper - Biodiversity, Geodiversity, Trees & Woodlands



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1 Executive Summary

1.1 This technical paper sets out the evidence, regulatory framework and the results of public and stakeholder engagement relating to the Natural Environment policies NE1: Biodiversity and NE2: Trees, hedgerows & woodlands in the Telford & Wrekin Local Plan (submission version).

1.2 Policies NE1 and NE2 are compliant with the National Planning Policy Framework (NPPF) and are positively prepared, justified, effective and consistent with national policy.

2 Introduction

2.1 This technical paper is part of the background technical work to inform the Local Plan and explains, in greater detail than is possible in the plan itself, the process by which the Council has arrived at the policy approach on biodiversity, geodiversity, trees and woodlands which is set out in the Telford & Wrekin Local Plan submission version.

2.2 This technical paper should be viewed in light of Policies NE1: Biodiversity & geodiversity and NE2: Trees, hedgerows and woodlands in the Telford & Wrekin Local Plan and in conjunction with the designated sites which are shown on the Policies Map.

2.3 This technical paper should be read alongside the *Technical Paper: The Green Network* and the *Technical Paper: Public Open Space* which provide background on the other policies in the Natural Environment section of the Telford & Wrekin Local Plan. Detailed evidence on Strategic Landscapes is provided in an evidence document *Telford & Wrekin Strategic Landscapes Study* by Fiona Fyfe Associates (December 2015).

2.4 The following review draws principally on evidence that supports the Local Plan. Other background documents that form part of the evidence base for the Local Plan referred to in this study have been quoted where relevant. The paper does not intend to repeat what is contained in other documents but, rather, seeks to quote relevant parts where it will support this review.

3 Biodiversity

3.1 The formal definition of biodiversity taken from the Convention on Biological Diversity is *'the Variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems, and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.'* The Convention on Biological Diversity came out of the United Nations Environment Program, was ratified in 1993 and is signed by 168 parties. It recognises the need to share environmental information and research between developed and developing countries and was inspired by the world community's increasing recognition of the importance of sustainable development.

3.2 More commonly the term biodiversity is taken to mean 'all the variety of life on earth.' This includes all species of plants and animals, from the very rare to the common place, and also the habitats and ecosystems which support them.

3.3 Biodiversity is all around us, not just in designated sites and special landscapes, but also in our urban and agricultural landscapes, our gardens and local parks and in the ponds, rivers, canals, woodlands, hedgerows and grasslands which spread across the varied environments in which we live.

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3.4 Biodiversity is important for our health and wellbeing, provides opportunities for education and recreation and we are reliant upon it for a range of 'ecosystem services' from carbon storage, urban cooling and flood water alleviation to pollination and food production.

Biodiversity in Telford & Wrekin

3.5 Telford was originally built as a New Town with urban areas designed to sit among extensive green spaces and biodiversity rich spoil mounds and woodlands which are remnants of the area's rich industrial heritage. The original intention to create a 'Forest City' has resulted in a town with plentiful trees, woodlands and hedgerows and this legacy is protected through the local Green Network designation ⁽¹⁾Newport is a Market Town in the north east of the borough, the historic route of the Newport Canal which is now a site of Special Scientific Interest (SSSI) runs through the town and Aqualate Mere Ramsar site lies just to the east in Staffordshire. The Ironbridge Gorge World Heritage Site in the south of the borough is a heavily wooded gorge with species rich grassland meadows and the River Severn running through the birthplace of industry. The borough supports an active agricultural industry and the rural area is made up of scattered villages and small settlements in an agricultural landscape with fields, hedgerows, rivers and scattered woodlands. In the south of the borough the Wrekin Hill SSSI is valuable both for biodiversity and geodiversity, is an attraction to visitors and is a recognisable and visible feature in the landscape.

3.6 There are eight Sites of Special Scientific Interest (SSSI), eight Local Nature Reserves (LNR), 47 Local Wildlife Sites (LWS) and 52 Ancient Woodland Sites in the borough. A small part of the Shropshire Hills Area of Outstanding Natural Beauty (AONB) falls within the borough boundary with the majority being in the adjacent county of Shropshire. A further eight proposed Local Nature Reserves are identified on the Local Plan Policies Map.

4 Geodiversity

4.1 The *Shropshire Geodiversity Action Plan* (2007) defines geodiversity as 'a word used to describe the geological variety of an area. This includes the variety of rocks, fossils, minerals and soils in an area and all aspects of landscape, cultural and economic activity which results from this variety.'

4.2 The *Shropshire Geodiversity Action Plan* sets out the process by which geodiversity assets are recorded, monitored and designated as Local Geological Sites across Shropshire and Telford & Wrekin.

4.3 Geodiversity and biodiversity are inextricably linked. The varied natural landform and substrate of the borough has created the variety of soil types, acidity levels and water tables which support the range of habitats present and which, in turn, support a rich assemblage of species. The rich mineral resources historically present in the area supported productive mineral and coal based industries and resulted in the remnant spoil heaps and restored mineral working sites which have become valuable stepping stones and refuges for biodiversity within the urban area today.

1 The Green Network designation is further discussed in a specific technical paper accompanying the submission of the Local Plan. *Technical Paper: The Green Network (2016)*

Geodiversity in Telford & Wrekin

4.4 Shropshire and Telford & Wrekin are exceptionally rich in geodiversity with designated sites which represent the majority of the recognised divisions of geological periods. Geological sites require specific management to maintain the stability and visibility of rock exposures and are a resource for education, historic interest and research. The Shropshire Geological Society is active in providing advice to landowners.

4.5 There are 25 Local Geological Sites in the borough (formerly known as Regionally Important Geological and Geomorphological Sites (RIGS)) and a number of the Sites of Special Scientific Interest in the borough include geological assets within the designated features.

5 Trees, Hedgerows & Woodlands

5.1 Trees, hedgerows and woodlands are an integral part of the natural environment and provide a range of 'ecosystem services' including; urban cooling, shelter, biodiversity value, visual amenity, carbon storage and flood alleviation. Woodlands provide significant visual amenity, have recreational value where public access is afforded and are valuable refuges for wildlife. They hold back flood water and can provide timber products and wood fuel. Hedgerows, both in rural and urban environments, provide corridors along which wildlife can move and, associated with the right tree planting, can dramatically change the 'sense of place' of a new development or existing community. Veteran and aged trees are particularly valuable and are considered irreplaceable since no new planting can replicate the historic or biodiversity value of these specimens in a meaningful way.

Trees, hedgerows & woodlands in Telford & Wrekin

5.2 The largest part of the borough's tree and woodland resource is located within the built up environments of Telford and, to a lesser extent, Newport. These trees, hedgerows and woodland, together with the open spaces with which they are associated, collectively constitute the design concept of a 'Forest City' on which the New Town of Telford was originally based.

5.3 Telford & Wrekin contains some extensive areas of woodland including areas of Ancient and Semi-natural Woodland. The wooded areas of the borough are strongly associated with the Ironbridge Gorge and the Wrekin SSSI but are also found within the range of former pitmound sites and areas of public open space spread throughout the urban area. Residents of the town have strong relationships with the woodlands and value both their visual amenity and the recreational opportunities they provide.

5.4 There is a significant resource of aged and veteran trees within the borough. These valued trees have historical and ecological value and are found both within and outside of ancient woodland sites.

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5.5 Hedgerows and shelter belts were an integral part of the design of Telford and continue to make a significant contribution to the feel of the town while providing screening, opportunities for recreation, sustainable travel routes and allowing biodiversity to move through, and thrive within, the urban area. The majority of this resource is now 40 or so years old and is well established and enshrined in the 'sense of place' of many communities.

6 Planning Policy/Regulatory Framework

6.1 The inclusion of biodiversity, trees and green infrastructure issues in national planning policy demonstrates the Government's commitment to ensuring that sustainable development includes protection and enhancement of the natural environment and recognises that the natural environment positively contributes to quality of life and health and wellbeing.

National Planning Policy Framework (NPPF)

6.2 The National Planning Policy Framework (NPPF) sets out, in Section 11, the role of the planning system in contributing to the protection and enhancement of the natural environment. This includes not only ensuring no net biodiversity loss but also planning for biodiversity enhancements, alongside mitigation and adaptation to climate change. NPPF seeks to establish coherent ecological networks to make our designated sites bigger, higher quality and better connected and to improve resilience in the natural environment to current and future pressures while recognising the wider benefits of the ecosystem services it provides.

6.3 Paragraph 17 sets out core planning principles included that planning decisions should 'contribute to conserving and enhancing the natural environment.'

6.4 Paragraph 109 recognises the value of biodiversity and the natural environment and recognises that the planning system should contribute to and enhance the natural environment particularly through: protecting valued landscapes, recognising ecosystem services, minimising impacts on biodiversity and providing net gains.

6.5 Paragraph 113 states that 'Local planning authorities should set criteria based policies against which proposals for any development on or affecting wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and local designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'

6.6 Paragraph 114 sets out that local planning authorities should 'set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

6.7 Paragraph 115 speaks of giving great weight to nationally designated sites including Areas of Outstanding Natural Beauty and giving them the 'highest protection in relation to landscape and scenic beauty.'

6.8 Paragraph 117 relates to minimising impacts on biodiversity and geodiversity through planning policies including: identifying and mapping ecological networks, promoting protection, restoration and recreation of priority habitats and preventing harm to geological interests.

6.9 Paragraph 118 sets out how local planning authorities should address biodiversity in planning decisions: ‘When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;’

6.10 Paragraph 125 states that: ‘By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.’

Review of Current Local Planning Policy

6.11 Telford & Wrekin Council’s current planning policies on biodiversity, geodiversity and trees are contained within the *Core Strategy* (2007 – 2016), the *Wrekin Local Plan* (1995 – 2006) and the *Central Telford Area Action Plan* (2011)(known as CTAAP). These three documents will be superseded by the new Local Plan

6.12 The *Core Strategy* contains overarching, strategic principles for development for the borough including policy CS12: Natural Environment particularly referencing the protection of designated sites.

6.13 The *Wrekin Local Plan* initially covered a plan period of 1995 to 2006 but some policies were subsequently saved and remain relevant until they are superseded by new local planning policies. Saved policies include OL2 which details protection for designated areas, OL3, OL4 and OL5 relating to protection of the Green Network, OL6 relating to the protection of incidental open land, OL11 on the protection of woodland and trees. The saved policies were written before NPPF and although many of the concepts within the policies are still relevant the language used is now dated and in need of review.

6.14 The *Central Telford Area Action Plan* (2011) sets out detailed planning policies for the central area of Telford and includes policy CT19: Biodiversity, CT21: Protection of Green Space, CT22: Provision of New Green Space

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7 Legislation & Guidance

Natural Environment white Paper (2011)

7.1 The Government White Paper on the natural environment *The Natural Choice: securing the value of nature* (2011) set out the government strategy with relation to the natural environment for the next 50 years. The paper supports the use of green infrastructure as an effective planning tool and recognises the multi-functional value of green spaces and the ecosystem services which open space provides. Urban green spaces are recognised for their value in allowing species to move through urban areas as part of a functioning ecological network.

Making Space for Nature: A Review of England's wildlife sites and ecological network (2010)

7.2 *Making Space for Nature* (2010), also known as the Lawton Report, details the importance of ecological networks and assesses the quantity, quality and functionality of designated sites. The Lawton Report concluded that designated sites are effective in conserving biodiversity up to a point but that they are too fragmented, isolated and small to be capable of responding to the challenges of climate change and increased recreational and land use pressures. The report sets out proposals to make designated sites 'bigger, better and more joined up' through a network made up of core area, corridors and stepping stones and restoration areas. The recommendations of the Lawton Report were carried through into NPPF.

ODPM Circular 06/2005: Biodiversity and Geological Conservation - Statutory obligations and their impact within the planning system

7.3 This government circular remains in place alongside NPPF and National Planning Guidance (NPG): it is proposed to be reviewed and replaced but no timescale has yet been set. The circular sets out that a local planning authority has a duty to protect biodiversity both in terms of species and habitats when making planning decisions. Crucially it also states in Paragraph 99 that protected species surveys should not be left to planning conditions.

British Standard 42020 (2013) Biodiversity - Code of practice for planning and development

7.4 BS 42020 is a national standard developed by BSI in association with biodiversity experts and a range of stakeholders. The standard provides clear guidance on appropriate level and method of survey and professional standards for consultant ecologists providing information to the planning system. The British Standard sits alongside a range of species specific survey and mitigation guidelines and standard methodologies.

The Natural Environment & Rural Communities Act (2006)

7.5 The Natural Environment & Rural Communities (NERC) Act (2006) identified a list of habitats and species of principal importance for nature conservation (also known as Section 41 habitats and species) and also included a general 'biodiversity duty' on all public bodies including local authorities to 'have regard' to biodiversity in carrying out all their functions and to ensure no net biodiversity loss.

BS5837 (2012) Trees in relation to design, demolition and construction: recommendations

7.6 This British Standard provides guidance, in respect of development sites, for a balanced approach to the retention of trees, how the assessment of impacts of trees on design considerations should be conducted and on the means of protecting trees during development works.

Trees in the Townscape: A guide for decision makers

7.7 *Trees in the Townscape* was written by the Trees and Design Action Group (TDAG) and is an innovative, collaborative, cross specialism best practice guide. The guide sets out twelve principles for local authorities to follow for managing trees in an urban context. The principles include knowing your tree resource, ensuring the right trees for the right place, procuring healthy trees, appropriate management and awareness of associated risks.

BS3998 (2010) Tree work recommendations

7.8 This standard gives recommended best practice principles for works to trees and hedgerows in order to maintain the physiological function, health, safety and structural integrity of tree and hedgerow assets.

A Tree & Woodland Framework for Telford & Wrekin: Connecting communities with trees and woodlands (2016 - 2021) by Telford & Wrekin Council

7.9 This framework sets out the mechanism by which the Council will ensure appropriate management of the tree and woodland resource in the borough and its relationship with communities. The framework sets out to manage the tree resource for the benefits it can deliver: recreation, visual amenity, biodiversity value and shade while being aware of the conflicts which can develop between trees and residents. The framework sets the principles by which the Council will manage its own tree resource and will make decisions on nuisance complaints and tree work applications and seeks to enshrine the 'right place – right tree' concept in tree management and planting in the borough in the long term.

Other tree guidance

7.10 Other relevant tree safety and management guidance:

- NJUG Vol 4 – Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (2007)
- Large species trees in urban landscapes – a design guide and management guide (draft 3) by CIRIA (November 2010)

8 Key Issues and Opportunities

8.1 The creation of Telford as a New Town centred around a 'Green Network' of interconnected green spaces, woodlands, shelter belts, historic pitmounds, water courses and water bodies which gave the town a strongly green identity which continues to be valued by its residents today. The new Local Plan provides an opportunity to maintain that rich legacy, to carry it forward into new evidence based planning policy and to set out a vision for the future of the borough. The Local Plan seeks to balance desirable growth with maintaining and enhancing the green spaces which make the borough an attractive place to live and work.

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8.2 Further detail of the Green Network can be found in the *Technical Paper: The Green Network* which accompanies the Telford & Wrekin Local Plan Submission Version.

8.3 The borough already supports nationally and locally designated sites for biodiversity including SSSI's and Local Wildlife Sites. There is strong local and political support for the declaration of an increasing number of Local Nature Reserves where land is protected from development and managed for biodiversity, public access and recreation. There are currently 8 Local Nature Reserves with a further 8 sites for which declaration has been requested by local communities and which the Council will seek to declare within the plan period to 2031.

8.4 The borough has a number of significant woodland areas both within and outside of designated sites. There are opportunities to protect, restore and expand woodland areas and to ensure that new development includes significant tree provision located to maximise contributions to climate change adaptation, to wildlife corridors which allow species to exist within, and move through, urban areas and to strengthening functioning green infrastructure.

8.5 Current saved policies within the Wrekin Local Plan and the Core Strategy give particular weight to trees covered by Tree Preservation Orders (TPOs) and within Conservation Areas. The new Local Plan is an opportunity to give recognition to the value of trees outside of Conservation Areas and which are not covered by TPOs but which are valued by local people and contribute strongly to visual amenity and local character. The new Local Plan is also an opportunity to reflect the stronger protection set out in NPPF for veteran and aged trees and ancient woodlands which should be recognised as irreplaceable habitats and protected from damage or loss in the strongest terms.

8.6 Large scale, phased development schemes are fairly common in the borough due to the way in which Telford in particular has developed. It is important for developers to understand biodiversity and tree constraints at an early stage of site investigation so that master planning can accurately reflect all of the constraints on the site. It is important that biodiversity and tree assets are assessed as part of outline planning application submissions so that impacts can be properly mitigated and so that appropriately designed and funded management can be achieved in the long term. This 'front loading' of ecological and tree assessments in the planning process provides certainty for the developer when approaching the development of the site, allows detailed assessments of viability to include all the potential costs and constraints and allows the Local Planning Authority to include appropriate conditions on any outline consent granted.

8.7 The inclusion of biodiversity, geodiversity and tree protection issues so strongly within NPPF represents the Government's commitment to meeting its sustainable development objectives and provides a significant opportunity for Local Development Frameworks to take a more strategic and less reactive view.

8.8 Following the public consultation on the draft Local Plan (Regulation 18) the Natural Environment section of the plan was significantly re-worked to simplify the policies and the requirements upon developers, to provide certainty for developers and to reflect the representations of members of the public, local interest groups and statutory consultees. Following the formal publication period (Regulation 19) of the Local Plan some additional minor modifications are proposed to the policies to reflect the responses received.

8.9 The policies within the Natural Environment section of the submission version of the Local Plan are as detailed and justified below.

NE1: Biodiversity & geodiversity

8.10 The majority of representations made relating to this policy were strongly supportive including supporting representations from Natural England and Shropshire Wildlife Trust. A local business group based in Newport objected to the policy as an 'unnecessary burden on developers' especially with reference to the seeking of biodiversity enhancements.

8.11 This policy is in line with NPPF Paragraph 113 in setting criteria based policies against which development proposals will be assessed. The policy also recognises, in line with NPPF, the hierarchy of international, national and locally designated sites and species. NE1 clearly sets out the level of ecological information required within a planning application to allow a determination against the policy, and relevant national legislation, to be made. The seeking of biodiversity enhancements and net gains for biodiversity is directly specified in Paragraph 109 of NPPF and the inclusion of this requirement within policy NE1 is in line with National Guidance and is reasonable and sound.

NE2: Trees, hedgerows & woodlands

8.12 Five representations, including Shropshire Wildlife Trust and Natural England, directly supported the policy. The Woodland Trust felt that the policy did not go far enough in the recognition of ancient woodland and veteran trees as irreplaceable habitats and the strict protection of those habitats required under NPPF and a minor modification is proposed to clarify the wording of the policy on those aspects. One developer and a local business group objected to the policy considering it to be too onerous on developers in the requirement to retain, protect and appropriately manage trees on proposed development sites.

8.13 This policy, including the proposed minor modification, is in line with NPPF Paragraph 118 which states that 'planning permission should be refused for developments result in the loss or deterioration of irreplaceable habitats including ancient woodland, and the loss of aged or veteran trees.' The policy requires developers to retain, protect and appropriately manage trees as a matter of normal practice but does include some criteria in part ii) of the policy under which the removal of some trees (not including aged or veteran trees or trees covered by Tree Preservation Orders) may be acceptable. The proposed policy is in line with NPPF and is reasonable and sound.

Other Natural Environment Policies

8.14 Evidence relating to the policies NE3, NE4 and NE5 on public open space are dealt with in a separate *Technical Paper: Public Open Space*.

8.15 Evidence relating to policy NE6: Green Network is presented in a separate *Technical Paper: The Green Network*.

8.16 Evidence relating to policy NE7: Strategic Landscapes is presented wholly in the evidence document *The Telford & Wrekin Strategic Landscape Study* by Fiona Fyfe Associates (December 2015).

9 Conclusion

9.1 The Council proposes policies within the Telford & Wrekin Local Plan which will ensure the protection, maintenance and enhancement of the natural environment which are in line with NPPF in that they are positively prepared, justified, effective and consistent with national policy.