

Planning Policy Context (Ecology and Nature Conservation)

Planning Policy and Legislation

- 1 This section provides a brief summary of the planning policies and legislation relevant to the project.

National

UK Biodiversity Action Plan

- 2 The UK's commitments as a signatory to the 1992 Biodiversity Convention are outlined in *Biodiversity: the UK Action Plan (1994)*. The UK Biodiversity Steering Group report was published in 1995 and included action plans for 116 of the UK's most threatened and endangered species and for 14 key habitats. Further species and habitat action plans have subsequently been published. There are now 391 species action plans and 45 priority habitat action plans nationwide. At a local level Local Biodiversity Action Plans (LBAPs) have been developed which are linked to national priorities (see below).

Planning Policy Statement 9: Biodiversity Geological Conservation, 2005

- 3 The Government's Planning Policy Statement (PPS) 9 *Biodiversity and Geological Conservation* was issued in August 2005. Accompanying PPS 9 is a Circular (ODPM 06/2005, DEFRA 01/2005): *Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system*.

- 4 The key principles of PPS 9 include:

(ii)

Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment'

and;

(vi)

The aim of the planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development

cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests, which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for then planning permission should be refused.'

- 5 Nature conservation is thus a material consideration in determining planning applications.

County

Berkshire Structure Plan

- 6 One policy from the Berkshire Structure Plan is relevant and is set out below.

Policy EN3: Biodiversity

- 7 This states that designated sites will be protected from development or adverse effects. Development will only be permitted where sustainability considerations override nature conservation issues. Features important to wildlife will be conserved and where possible enhanced. Opportunities to create new habitat should be exploited in development proposals.
- 8 Measures to avoid harm and disturbance to sites and to avoid loss of biodiversity should be included in development proposals.

Local

Berkshire County Local Biodiversity Action Plan

- 9 The Berkshire County Local Biodiversity Action Plan (LBAP) covers the application area. The LBAP contains the following:
- Habitat Action Plans for Broad Habitats, Acid Grasslands, Calcareous grassland, Fen, marsh and swamp, Neutral grassland, Rivers and streams, Standing open water and canals.

- Priority Habitats: Aquifer fed naturally fluctuating water bodies, Chalk rivers, Eutrophic standing waters, Fens, Lowland calcareous grassland, Lowland dry acid grassland, Lowland heathland, Lowland meadows, Mesotrophic lakes, Reedbeds.

Reading Borough Local Development Framework and Saved Policies

- 10 The Whiteknights campus is covered in part by Reading Borough Local Development Framework. The core strategy was adopted in January 2008 and details a list of relevant policies. A number of policies from the Reading Borough Local Development Plan (1991 – 2006) remain saved and have not yet been replaced. These saved policies in combination with the recent policies in the Reading Borough Core Strategy form a list of operative planning policies as published in January 2008. Four policies from the core strategy and 2 saved policies are applicable to ecological aspects of the Whiteknights campus.
- 11 Policies relevant to the site are summarised in Table 1 and are set out in the relevant section below.

Wokingham District Local Plan Adopted March 2004

- 12 The Whiteknights campus is also covered by the Wokingham District Local Plan, which was adopted in 2004. Wokingham Borough has not yet adopted the emerging core strategy. Chapter 1 of the local plan (Overall strategy) contains one policy, Chapter 2 (Countryside, Landscape and Nature Conservation) contains four policies and Chapter 4 (Built Environment) contains two policies relevant to the development in terms of ecology and nature conservation.
- 13 Policies relevant to the site are summarised in Table 1 and are set out in the relevant section below.

Policies from Reading Borough Core Strategy (adopted January 2008)

CS8: Waterspaces

Reading's waterspaces will be protected, so that they can continue to contribute to local and regional biodiversity and ecology. Where development in the vicinity of waterways is acceptable, it will provide:

- *A strengthened role for waterways as important landscape features, wildlife corridors and recreation opportunities; and*

- *Improved quality of waterway environment through protecting habitats and ensuring that habitat creation is balanced with access and urban uses.*

CS34 – Pollution and Water Resources

The Council will only permit development where it would not be damaging to the environment through air, land, noise or light pollution; where it would preserve or ideally enhance ground and surface water quality; and where existing water resources, sewerage and wastewater treatment infrastructure are adequate to support the proposed development. Proposals for development that are sensitive to the effects of air, noise or light pollution will only be permitted in areas where they will not be subject to high levels of such pollution, unless adequate mitigation measures are provided to minimise the impact of such pollution.

CS36 – Biodiversity and Geology

The Council states that development should retain, protect and incorporate features of biodiversity or geological interest (including protected species and their habitats) found within the application site into their schemes. On sites with recognised biodiversity or geological value, the Council will not permit development where there would be a direct or indirect adverse impact on the site, unless it can be clearly demonstrated that:

- i. The need for development clearly outweighs the need to protect the value of the site; and*
- ii. Appropriate compensation, impact minimisation, mitigation and compensation are provided.*

b) Local Nature Reserves and Wildlife Heritage Sites will be safeguarded and where possible, enhanced. Permission will not be granted by the Council for any development that would adversely affect a designated nature reserve or Wildlife Heritage Site.

c) Any development that would sever or threaten the integrity of an established wildlife link, as indicated on an adopted proposals map, will not be permitted by the Council. Where applicable, developments should be designed to protect, consolidate, extend and enhance the network of wildlife links and corridors in and adjoining the Borough, working with neighbouring authorities.

CS38 – Trees Hedges and Woodland

Individual trees, groups of trees, hedges and woodlands will be protected from damage or removal, and the Borough's vegetation cover will be extended.

Saved policies (still operative as from January 2008) from Reading Borough Local Plan

NE6 - Protecting Wildlife Habitats and Natural Features on or Adjoining Development Sites.

As appropriate all development shall retain and protect wildlife habitats and natural features on or adjacent to the site during construction. Applicants will be required to submit details of how this will be achieved prior to the granting of planning consent.

Policy NE7 – Creative Nature Conservation

Wherever possible all new development should introduce creative nature conservation measures which as pay positive regard to the ecology of the site and its surroundings. These measures should include:

- *Enhancement of existing habitats*
- *The provision of new wildlife habitats*
- *The use of appropriate native vegetation in landscaping schemes.*

Saved policies from the Wokingham District Local Plan

WOS 6: Environmental nuisance and pollution control

The council will seek to reduce light pollution. Details of any external lighting scheme that requires permission as part of a new development will be expected to be the minimum needed for security and working purposes and should minimize potential pollution from glare.

WNC5: Protection and Management of Wildlife heritage Sites

In considering proposals for development, account will be taken of the impact on the nature conservation value of designated Wildlife Heritage Sites. Where harm would occur, suitable compensation measures must be submitted with the application and approved (with the use of appropriate planning conditions or obligations), or unless other material factors are sufficient to outweigh the harm to the local conservation interest. Where possible, nature conservation interests will be protected managed and enhanced.

WNC6: Nature Conservation in the Wider Countryside

The council will take into account the direct or indirect impacts upon wildlife in considering any development proposals. Where the development is otherwise acceptable the Council will seek to ameliorate the impact and to create and manage habitat.

WNC8: Creating new habitats through development

In considering proposals for development the Council will seek the creation, management and interpretation of nature reserves and new wildlife habitats in the countryside and urban areas.

WBE5: Trees and New Development

In considering proposals for development the effect on existing trees and areas of woodland will be taken into account. Trees that are to be retained should be properly protected during the course of construction in accordance with a scheme to be first approved through appropriate conditions attached to the planning permission. Where appropriate, tree preservation orders will be applied and the loss or damage of trees protected by new or existing orders will be requested.

WBE6: Green Routes

Development will not be permitted that would detract from the visual quality of a green route or result in the loss of protected trees. Where appropriate it will be expected to contribute towards the improvement of green route enhancement areas through landscape and planting schemes.

WNC7: The protection, enhancement or creation of wildlife corridors

In considering proposals for development, the protection or enhancement of existing identified wildlife corridors will be sought and where appropriate the creation of new wildlife corridors will be encouraged. These will provide a network of links between wildlife sites in urban areas and the wider countryside and habitats important for nature conservation.

Table 1: Summary of Relevant Local Plan Policies relating to Ecology

Policy code and name	Description	Relevance to site
<i>Policies from the Reading Borough Core Strategy</i>		
CS36 – Biodiversity and Geology	States that development will not be permitted on recognised site of ecological value unless appropriate mitigation. Development will not be permitted on Wildlife Heritage Sites (WHS) if it would cause adverse impact at the site.	There are a key population of toads on site. The central area of the Whiteknights campus is a WHS.
CS38 – Trees Hedges and Woodland	Protects individual trees, groups of trees, hedges and woodlands from damage or removal.	There are a significant number of mature trees and Tree Preservation Orders (TPOs) throughout the site.
CS8 - Waterspaces	Protects waterspaces so they can contribute to biodiversity and ecology. It states that development near water should ensure habitat creation is balanced with access.	The Whiteknights Lake is located in the centre of the site.
CS34 – Pollution and Water Resources	States that development will not be permitted where it would be damaging to the environment through light (or other) pollution	External lighting on site may affect foraging and commuting bats.
<i>Saved Operative Policies from the Reading Borough Unitary Development Plan</i>		
NE6 – Protecting wildlife habitats and natural features on or adjoining development sites	Protect all habitats and natural features on/adjacent to the site during construction.	Construction will occur in significant habitat areas.
NE7 – Creative nature conservation	States that wherever possible creative conservation measures should be included within development.	There are opportunities to enhance habitat throughout the development.
<i>Policies from Wokingham District Local Plan</i>		
WOS6: Environmental nuisance and pollution control	The Council will seek to minimise light pollution	External lighting will be provided on site that has the potential to affect foraging and commuting bats.
WNC5: Protection and management of Wildlife Heritage Sites	Restricts development on Wildlife Heritage Sites	The centre of the Whiteknights campus is a Wildlife Heritage Site.

Policy code and name	Description	Relevance to site
WNC6: Nature conservation in the wider area	Protects adverse impacts on wildlife from development	The development has the potential to result in a loss of habitat and biodiversity
WNC8: Creating new habitats through development	Requires developers to create seek habitat creation opportunities	There are opportunities for habitat creation on the Whiteknights site
WBE5: Trees and new development	Restricts development on existing trees and areas of woodland.	There are a number of mature trees and clusters of trees on the Whiteknights campus.
WBE6: Green routes	Restricts development on green routes and around protected trees.	There are a number of protected trees on the Whiteknights campus
WNC7: The protection, enhancement or creation of wildlife corridors	Protects wildlife corridors and encourages creation of new wildlife corridors.	There are many wildlife corridors within the Whiteknights campus.

Legislation on Nature Conservation

- 14 The key provisions of the legislation that are relevant to the proposed redevelopment are identified below.

Conservation (Natural Habitats &c.) Regulations, 1994

- 15 The Conservation (Natural Habitat &c.) Regulations 1994 (Habitat Regulations), implement the requirement of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora 1992 (EC Directive 92/43/EEC). These set out the provisions for selection of sites to form part of the Natura 2000 network based on criteria set out in Annex II and IV of the Directive and for assessing plans or projects that are likely to have a significant effect on these sites.
- 16 All species of bat in the UK are fully protected under the Habitat Regulations, 1994 and the Wildlife and Countryside Act 1981 (as amended). The Act and Regulations gives full protection to bats from intentional killing, injuring, taking and reckless or intentional disturbance. In addition bat breeding and resting places (i.e. bat roosts) are also protected from damage, destruction and reckless or intentional obstruction of access to such places.

Wildlife and Countryside Act, 1981 (as amended)

- 17 The Wildlife and Countryside Act 1981 (as amended) is the principal mechanism for the legislative protection of wildlife in the UK. Part 1 of the Act concerns the protection of wildlife. Under this legislation all wild birds and their nests are protected during the breeding season, which in general runs from March to August. Schedule 1 Part 1 of the Act lists bird species, which are protected at all, times.
- 18 Schedule 1 Part 2 lists birds, which are protected during the close season. Schedule 5 lists protected animals other than birds. This includes all 16 species of bats in the UK and their roosts, approximately 70 invertebrates and other . Part 2 of the Act relates to the countryside and National Parks and the designation of protected areas, such as Sites of Special Scientific Interest (SSSIs).

Countryside and Rights of Way Act, 2000

- 19 The Countryside and Rights of Way (CroW) Act, which became law in England and Wales in November 2000, made amendments to the Wildlife and Countryside Act (1981). Part 3 of the CroW Act deals with Nature Conservation and Wildlife Protection. It includes three wildlife measures concerning SSSIs and other designations; enforcement of wildlife legislation and biological diversity. The Act strengthens the enforcement provisions against wildlife offences laid down in Part 1 of the Wildlife and Countryside Act. In particular, a new offence of 'reckless' disturbance of certain listed birds (Schedule 1) and animal (Schedule 5) at their nest or place of shelter has been introduced.
- 20 Section 74 of the CroW Act provides a list of habitats and species important to biological diversity in England. The list identifies the habitats and living organisms (species) which the Secretary of State, following consultation with her statutory nature conservation advisers, English Nature, considers are of principal importance for the conservation of biological diversity in England, in accordance with the 1992 UN Convention on Biological Diversity.

Natural Environment & Rural Communities Act 2006

- 21 The Natural Environment & Rural Communities Act 2006 enforces Natural England to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development.
- 22 Under the Act, Natural England's general purpose includes:
- a) promoting nature conservation and protecting biodiversity,

- b) conserving and enhancing the landscape,
- c) securing the provision and improvement of facilities for the study, understanding and enjoyment of the natural environment,
- d) promoting access to the countryside and open spaces and encouraging open-air recreation, and
- e) contributing in other ways to social and economic well-being through management of the natural environment.