

LINDHURST
MANSFIELD

APPENDIX 6.A PLANNING POLICY

1.0 This appendix provides a summary of the key planning policies to be considered which are of relevance to this chapter of the assessment.

National Policy

1.1 Planning Policy Statement 9 (PPS9)

Biological and geological plan policies and planning decisions should:

- be based upon up-to-date information on the relevant biodiversity and geological resources of the area. Local planning authorities (LPA) should assess the potential to sustain and enhance those resources.
- seek to maintain or enhance or add to biodiversity and geological conservation interests. LPAs should ensure that appropriate weight is attached to designated sites of international, national and local importance and the wider environment.
- take a strategic approach to the conservation and enhancement of biodiversity and geology, and recognise the contributions that individual sites and areas make to conserving these resources within the wider environment.
- Permit development, subject to other planning considerations, seeking to conserve or enhance the biodiversity and geological conservation interests of the area and/or the immediate locality.
- consider whether proposed developments can be accommodated without causing harm to biodiversity and geological conservation interests. Where there may be significant harmful effects, the LPA need to be satisfied that any reasonable alternative sites that would result in less or no harm have been fully considered.
- Ensure where planning permission is only be granted where adequate mitigation measures are put in place, where development will result in unavoidable and significant adverse impacts on biodiversity and geological conservation. LPAs should normally seek appropriate measures to compensate for any harm, which cannot be prevented or mitigated.
- promote opportunities for the incorporation of beneficial biodiversity and geological features within the design of development.

Regional Policy

1.2 The East Midlands Regional Plan was published in March 2009, replacing the former Regional Spatial Strategy for the East Midlands (2005), and the expired Nottinghamshire Joint Structure Plan.

Policy 26 - Protecting and Enhancing the Region's Natural and Cultural Heritage

Sustainable development should ensure the protection, appropriate management and enhancement of the Region's natural and cultural heritage. As a result the following principles should be applied:

- the Region's internationally and nationally designated natural and historic assets should receive the highest level of protection;
- neither direct nor indirect damage to EU designated Natura 2000 sites will be permitted;
- damage to natural and historic assets or their settings should be avoided wherever and as far as possible, recognising that such assets are usually irreplaceable;
- unavoidable damage must be minimised and clearly justified by a need for development in that location which outweighs the damage that would result;
- unavoidable damage which cannot be mitigated should be compensated for, preferably in a relevant local context, and where possible in ways which also contribute to social and economic objectives;
- there should be a net increase in the quality and active management of natural and historic assets across the Region in ways that promote adaptation to climate change, and an increase in the quantity of environmental assets generally; and
- the Region's best and most versatile agricultural land should be protected from permanent loss or damage.

Policy 28 - Regional Priorities for Environmental and Green Infrastructure

Local Authorities, statutory environmental bodies and developers should work with the voluntary sector, landowners and local communities to ensure the delivery, protection and enhancement of Environmental Infrastructure across the Region. Such infrastructure should contribute to a high quality natural and built environment and to the delivery of sustainable communities. Local Authorities and those responsible for the planning and delivery of growth and environmental management across the Region should work together to:

- assess the capacity of existing Environment Infrastructure to accommodate change in order to inform decisions on the scale, location and phasing of new development. Account should be taken of current deficits and likely future

demands, including those likely to result from climate change, to identify any further needs or constraints;

- select appropriate indicators and targets to monitor the condition of Environmental Infrastructure and to ensure that its capacity to accommodate change is not breached;
- ensure that the provision and design of new Environmental Infrastructure is considered and its delivery planned through environmental capacity analysis at the same time as other infrastructure requirements;
- within Local Development Frameworks develop 'green infrastructure plans' based on character assessments of existing natural, cultural and landscape assets and the identification of new assets required to meet the needs of existing and expanding communities;
- increase access to green space that can be used for formal and informal recreation, educational purposes and to promote healthy lifestyles, without increasing pressures on sensitive sites, especially those designated under the European Habitats Directive; and
- identify delivery and funding mechanisms for the creation and future management of Green Infrastructure, including from the planning system and other funding sources such as EU funded Environmental Stewardship Schemes.

Policy 29 - Priorities for Enhancing the Region's Biodiversity

Local Authorities, statutory environmental bodies and developers should work with the voluntary sector, landowners and local communities to implement the Regional Biodiversity Strategy, and to deliver a major step change increase in the level of biodiversity across the East Midlands. Measures should include the:

- achievement of the East Midlands regional contribution towards the UK Biodiversity Action Plan targets as set out in Appendix 3;
- establishment of large scale habitat creation projects in the biodiversity conservation and enhancement areas illustrated in Diagram 6;
- establishment of a regional project to promote the re-creation of key wildlife habitats in each Natural Area in the East Midlands;
- creating, protecting and enhancing networks of semi-natural green spaces in urban areas;

- creating, protecting and enhancing features of the landscape which act as corridors and ‘stepping stones’, essential for the migration and dispersal of wildlife;
- development and implementation of mechanisms to ensure that development results in no net loss of BAP habitats and species, particularly for restricted habitats with special environmental requirements, and that net gain is achieved; and development and maintenance of appropriate data to monitor and report on regional targets, BAPs and BCAs/BEAs.

Policy 30 Regional Priorities for Managing and Increasing Woodland Cover

Local Authorities, statutory environmental bodies and developers should work with the voluntary sector, landowners and local communities to deliver a significant increase in woodland cover in the East Midlands in ways that respect local landscape character and support the implementation of the Regional Plan. New cover should make use of species resistant to climate change and complement national and regional woodland strategies, including, for example, the Forestry Commission's Woodfuel Strategy for England. Any impact on local landscape character should be carefully considered.

- *New woodland should optimise social, environmental and economic value whilst recognizing the biodiversity and character of existing woodland and the sensitivity of existing nature conservation or archaeological interest.*
- *New woodland should also avoid negative effects on water resources, and contribute to flood alleviation and floodplain management.*
- *Woodland unavoidably lost to development should be replaced with new woodland of equivalent value, preferably in the same landscape unit.*
- *Preference should be given to creating ‘new native woodland’ as defined in Forestry Commission Bulletin 112.*
- *Opportunities should be taken to increase woodland cover as part of new development and by using other mechanisms, focussing on: priority areas identified through Space4Trees including; the National Forest, Greenwood Community Forest, Sherwood Forest, Rockingham Forest, East Derbyshire, the Boston Woods Initiative and ancient woodland clusters in the Lincolnshire Limewoods and Leighfield Forest areas; the Northamptonshire Growth Areas, where woodland creation and linkage should feature as a significant component of new green infrastructure; and principal transport corridors and Strategic River Corridors delivering local Biodiversity Action Plan targets.*

- *Ancient semi-natural woodlands, veteran trees and other woodlands of acknowledged national and regional importance should be strongly protected by Local Development Frameworks.*
- *There should be a general presumption against the conversion of any woodland to other land uses unless there are overriding public benefits.*
- *Opportunities should be taken to secure sustainable management of all woodland, and to increase public access to high quality multi-functional woodland close to communities as part of the development of Green Infrastructure.*

1.3

The Northern Sub-Regional Strategy (SRS)

Sub-Regional Strategy's aim to inform and provide additional direction and guidance to the production of Local Development Framework (LDF); the LDF for Mansfield Borough is currently in production. Some of the objectives relating to nature conservation are:

“to promote environmental enhancement as a fundamental part of the regeneration of the Sub-area; to protect and enhance the natural and cultural assets of the Sub-area...”

Northern SRS Policy 4: *Enhancing Green Infrastructure through Development*

“Local Development Frameworks...will, when identifying the location and nature of development or infrastructure provision, ensure that consideration is given to where the greatest public benefit would be gained through the enhancement of Green Infrastructure”. Also mentioned is the importance of *“Greenwood, Nottinghamshire’s community forest involving a working partnership of councils, the Countryside Agency [now Natural England], Forestry Commission and other organisations to transform the local landscape making it a greener and healthier place to be. A Strategic Plan for Greenwood has guided the creation of the Community Forest”.*

This policy also states that *“any development will need to be sensitively located and designed in order to protect and enhance the local landscape character and distinctiveness as well as the natural, cultural and historic assets. Of particular importance is the natural heathland”.* It considers the creation of a Regional Park in Sherwood Forest, centred around Birklands and Bilhaugh SAC and proposals to create an SPA in the Sherwood Forest area due to the populations of Nightjar and Woodlark being of international significance; these sites are over 4km Northeast from the Application area.

East Midlands Regional Environment Strategy, East Midlands Regional Assembly, adopted August 2002

1.4 Policy ENV21 deals with Biodiversity and aims:

“...To conserve and dramatically enhance biodiversity according to regional Biodiversity Action Plan priorities”. The policy goes on to state that “in a region where the decline in biodiversity has been so great, it is essential that regional habitat restoration and creation targets, to compensate for past losses, are proportionately greater than for other regions. Small sites need to be extended to create larger areas where species are able to sustain viable populations and move through the landscape to re-colonise their former haunts”.

Strategic Plan for Greenwood Community Forest, September 2000

1.5 The mission statement of the Greenwood Community Forest is to: *“create a multi-purpose forest with a rich mixture of woods, farmland, open spaces and settlements in Nottinghamshire, contributing towards sustainable development and providing a better environment for people to use, cherish and enjoy now and for generations to come”.* The general aims are to increase woodland cover in the county by 30%, via a combination of *“substantial planting or natural regeneration on open ground outside the cities, towns and main villages...to encourage around 5750ha of land to be developed into well-managed, wooded landscapes”* from various sources.

District Level Policy

Interim Planning Guidance (IPG) Note 11: Green Infrastructure, Adopted April 2009

1.6 Mansfield District Council has developed an IPG on Green Infrastructure with the overall aim to:

Protect, enhance and create a diverse, accessible and multi-functional network of green spaces that links landscape, biodiversity and heritage assets with the social, economic and environmental needs of all people living, working and visiting Mansfield District.

And with reference to biodiversity in particular:

Therefore in addition to designated sites, it is important that GI plans identify priority areas for protection and enhancement as well as creation, whilst creatively balancing development pressures. Overall, the adoption of GI principles within local planning policy will support a healthier and more resilient environment by, for example:

- *Seeking to protect and enhance the most valuable sites*
- *Improving linkages between sites*

- *Promoting the incorporation of wildlife friendly landscaping into development schemes including incidental green space*

1.7

Mansfield District Council Local Plan: 1998 - 2006

The local plan for Mansfield District Council is currently under review and is expected to emerge in early 2009 as a Local Development Framework for the District. In the interim, key policies have been saved for consultation and potential inclusion in the forthcoming LDF. Key natural environment policies of relevance are as follows:

NE1 – *Planning permission will be granted for developments outside the urban boundary, as defined on the proposals map, only where they would fall into one or more of the following categories:*

- i. *Development which can only be undertaken in a rural location;*
- ii. *Outdoor recreation and tourism related uses*
- iii. *Cemeteries*
- iv. *Essential roadside services;*
- v. *Development associated with farm diversification schemes*
- vi. *Proposals for the re-use or change of use of buildings in keeping with their surroundings*
- vii. *Small scale building extensions*
- viii. *Redevelopment of brownfield sites*
- ix. *All proposals must demonstrate that they would not...cause harm to the rural environment. Developments should be designed to relate sympathetically to their surroundings.*

NE9 *Planning Permission will not be granted for developments which would adversely affect woodlands which are either of an amenity value or which provide valuable wildlife habitats.*

NE12 *Proposals for development likely to affect Sites of Special Scientific Interest will be subject to special scrutiny. Where a development would harm or damage the SSSI, either directly or indirectly, it will not be permitted unless the reasons for the development clearly outweigh the value of the site and the national policy to safeguard the nature conservation of a network of such sites.*

NE13 *Planning permission will not be granted for developments which would damage local nature reserves and other sites considered to be of ecological, geological or geomorphological importance, unless the reasons for the development clearly outweigh the intrinsic value of the site or the contribution it makes to the local network of such sites.*

NE14 *Where planning permission is granted for developments that would adversely affect SSSI's, SINC's or Landscape features of major importance for wild fauna and flora, the council will, wherever possible, require applicants to undertake the following:*

- i. Retain and enhance important nature conservation features and habitats within the site;*
- ii. Ensure the protection of such features and habitats from damage both during and after development;*
- iii. Make provision for the future management of such features and habitats*
- iv. Where loss is unavoidable the council will require compensatory measures to replace or reinstate the nature conservation value that has been lost.*

NE16 *Planning permission will not be granted for development which would have an adverse impact on badgers or species protected by Schedules 1, 5 and 8 of the WCA 1981, as amended. Where in exceptional circumstances permission is granted the council will either impose planning conditions and/or negotiate planning obligations to minimise any adverse effects on protected species.*