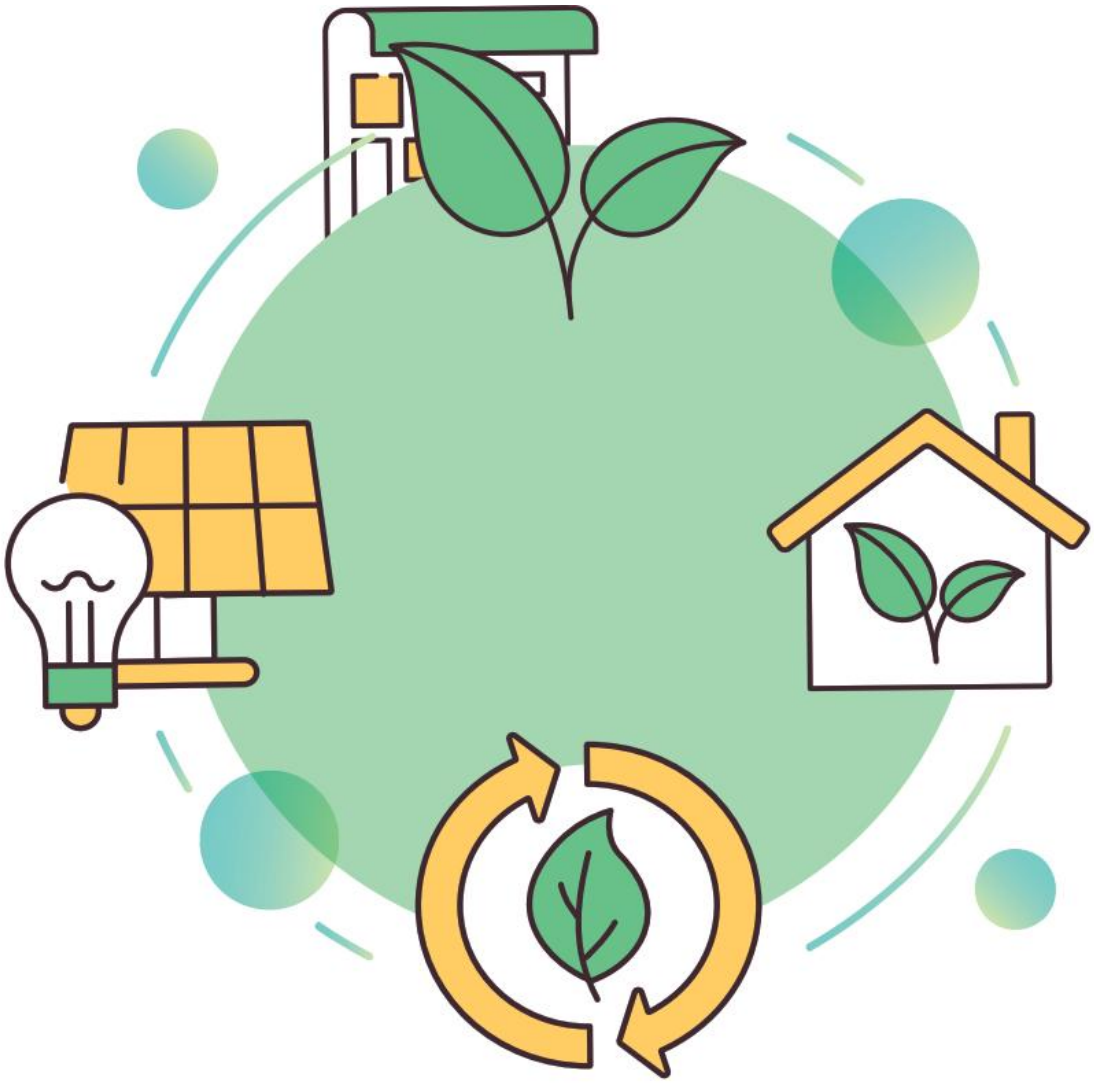

Colchester City Council's

Biodiversity SPD

Colchester City Council

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Glossary

Biodiversity
The word 'biodiversity' comes from the term 'biological diversity'. It refers to the variety of all living organisms, including animals, insects, plants, bacteria, and fungi.

Biodiversity gain plan
A consistent document explaining how a project has followed the mitigation hierarchy and also then achieved biodiversity net gain.

Biodiversity net gain
An approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand.

Green-blue infrastructure
Green-blue infrastructure is a network of multi-functional green spaces and other green features, and blue (water) features, which can deliver quality of life and environmental benefits for communities.

Habitat
A habitat is the area and resources used by a living organism or assemblage of animals and plants.

Habitat banks
Sites where habitat is created in advance, prior to any loss occurring. This habitat will need to be secured and managed long-term.

Local Nature Recovery Strategy (LNRS)
will set out locally agreed priorities and opportunities for nature recovery.

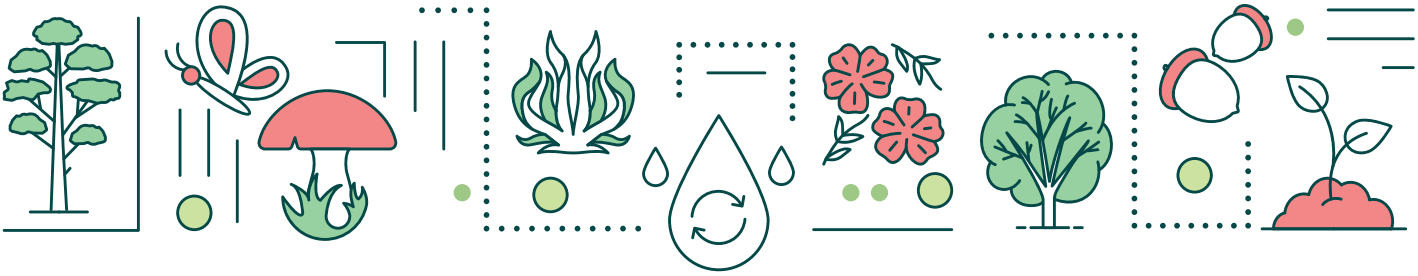
Mitigation hierarchy
The principle that environmental harm resulting from a development should be avoided, adequately mitigated, or, as a last resort, compensated for (NPPF, 2021).

Nature Recovery Network
A national network of wildlife-rich places.

Protected species
Many species of plants and animals in England and often their supporting features and habitats are protected. What you can and cannot do by law varies from species to species.

Standing advice
General advice that Natural England, as a statutory consultee, gives to LPAs. It avoids the need to consult Natural England on every planning application.

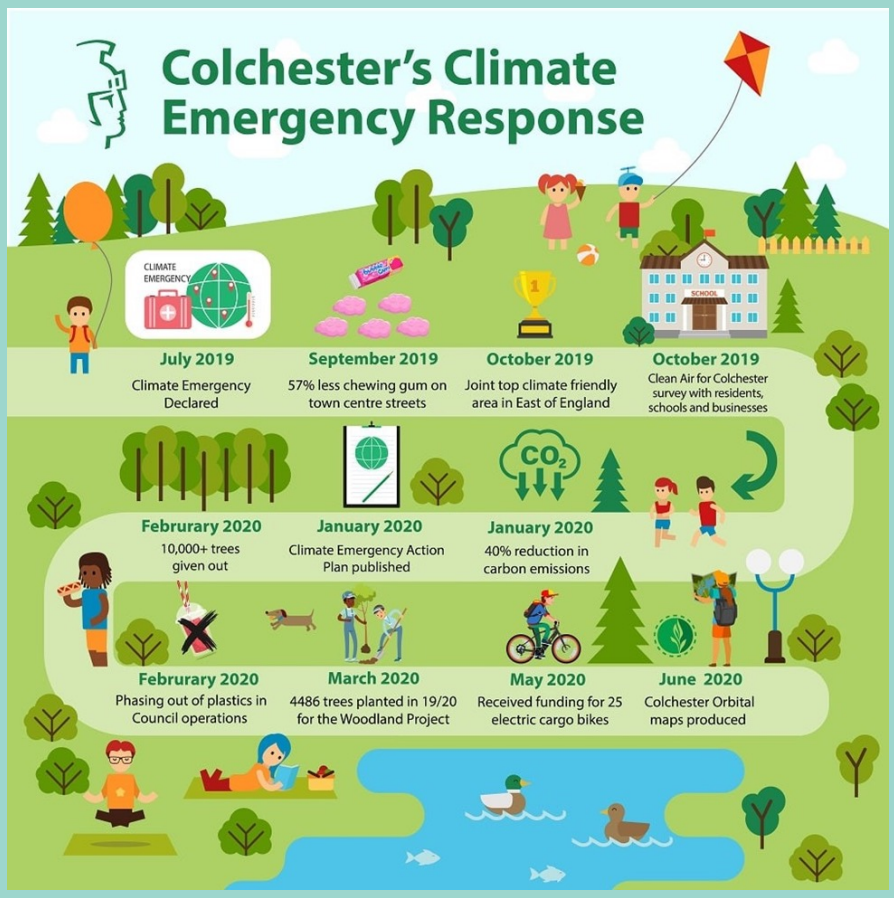
Irreplaceable habitat
Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.



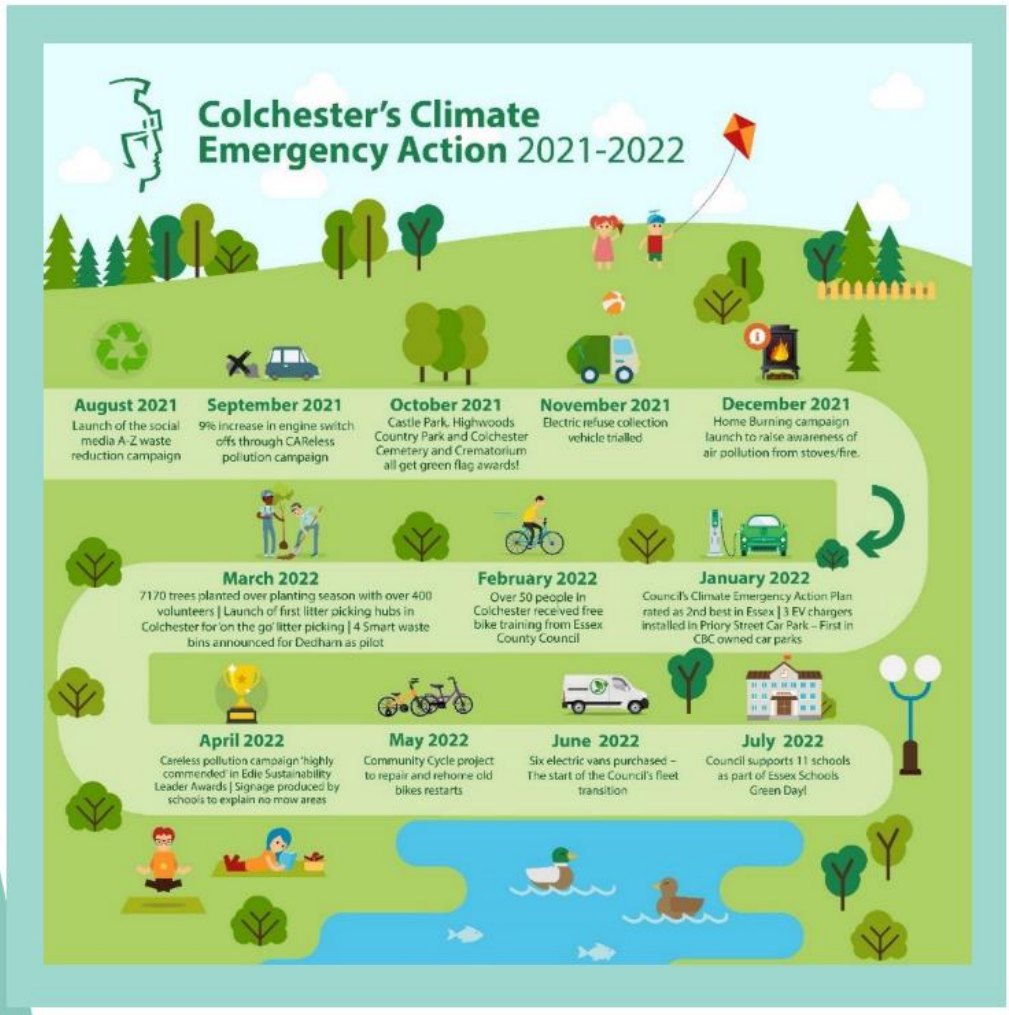
Chapter 1: Introduction

Climate change is a global issue affecting everyone. Co-ordinated action from all sectors, national and local governments, and individuals is needed to mitigate and adapt to climate change. The science tells us that to avoid catastrophic effects we need to limit the increase in global temperature to 1.5oC. Mitigation measures are required to significantly reduce greenhouse gas emissions and limit global temperature rise. However, even with efforts to limit the cause of global warming, further climatic changes are inevitable in the future and the UK will need to adapt to the growing risks from climate change.

Colchester City Council declared a climate emergency in 2019 and since then have carried out numerous pieces of work across the organisation and city to respond to the climate emergency. The infographics, below, highlight the key areas of work undertaken in 2019/20, 2020/21 and 2021/22.

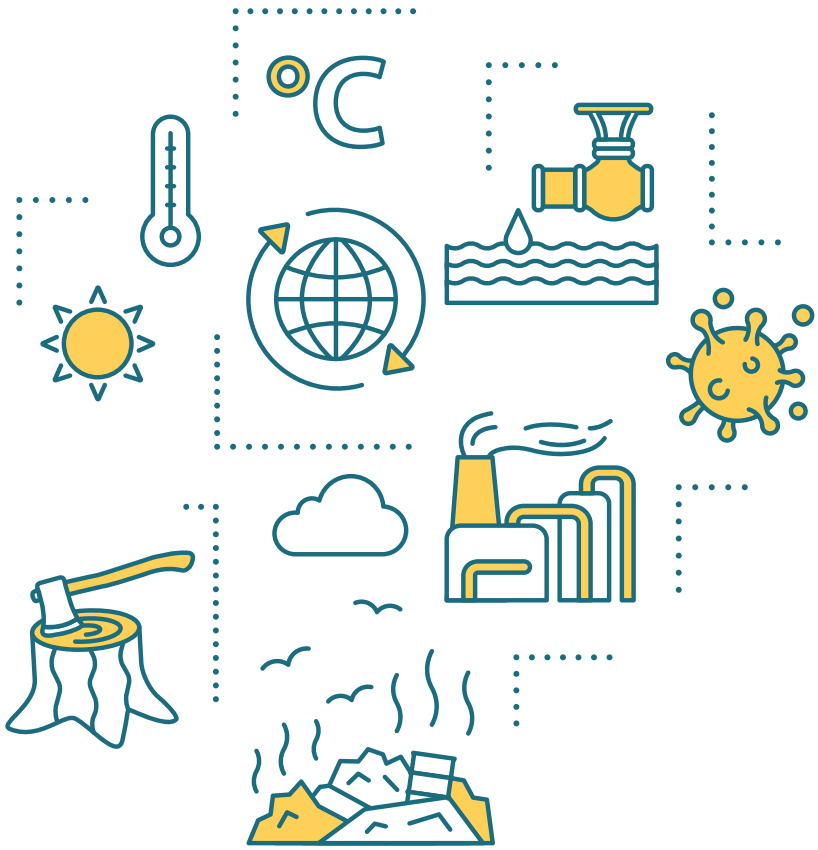


Colchester's Climate Emergency Response
July 2020
Boreholes tested for Northern Gateway Heat Network
August 2020
LED lighting installed in St Mary's and St John's Car Parks
September 2020
Greening Colchester Policy launched
October 2019
CAReless Pollution Campaign launched
November 2020
eCargo bikes for businesses distributed
December 2020
Fleet decarbonisation strategy produced £4.5m agreed for increasing energy efficiency of Council homes
January 2021
£528,250 grant to transform Rowan House to a low carbon office
February 2021
No idling signage trial began
March 2021
• 14,000 trees planted for Woodland and Biodiversity Project
• 3842 miles travelled by eCargo bikes
• Escooter trial starts in Colchester
April 2021
Green tariff secured for Council's electricity usage
May 2021
Climate Challenge and Sustainability Strategy - consultation
June 2021
Updated Climate Emergency Action Plan (2021- 2023)
July 2021
Supported Essex Schools 'Green Day'


Colchester's Climate Emergency Action 2021-2022
August 2021
Launch of the social media A-Z waste reduction campaign
September 2021
9% increase in engine switch offs through CAReless pollution campaign
October 2021
Castle Park, Highwoods Country Park and Colchester Cemetery and Crematorium all get green flag awards!
November 2021
Electric refuse collection vehicle trialled
December 2021
Home Burning campaign launch to raise awareness of air pollution from stoves/fire.
March 2022
7170 trees planted over planting season with over 400 volunteers | Launch of first litter picking hubs in Colchester for 'on the go' litter picking | 4 Smart waste bins announced for Dedham as pilot
February 2022
Over 50 people in Colchester received free bike training from Essex County Council
January 2022
Council's Climate Emergency Action Plan rated as 2nd best in Essex | 3 EV chargers installed in Priory Street Car Park – First in CBC owned car parks
April 2022
Careless pollution campaign 'highly commended' in Edie Sustainability Leader Awards | Signage produced by schools to explain no mow areas
May 2022
Community Cycle project to repair and rehome old bikes restarts
June 2022
Six electric vans purchased – The start of the Council's fleet transition
July 2022
Council supports 11 schools as part of Essex Schools Green Day!

The Council is drafting 3 Supplementary Planning Documents (SPDs) to communicate Colchester City Council's ambitions in respect of the climate emergency for all development within the city. SPDs are material considerations in planning decisions. They build on adopted planning policy and provide guidance on how policy requirements should be implemented. The 3 climate emergency SPDs build on the adopted Local Plan and explain how development proposals should respond to the climate and ecological emergency. The SPDs are: Active Travel, Biodiversity, and Climate Change. All development proposals should strive to achieve ambitious carbon reductions, biodiversity enhancement and promotion of active travel to contribute towards Colchester becoming a greener city that is resilient to the climate and ecological emergency.

We are in a climate and ecological emergency - the time to act is now



The 3 climate emergency SPDs will bring multiple benefits including benefits to health and wellbeing. A healthy environment plays a role in improving health and wellbeing. Many of the actions proposed in the 3 SPD's will also achieve health benefits for our communities. An increase in active travel will lead to more walking and cycling. More energy efficient homes will be good for people's wellbeing and reduce heating costs. An increase in biodiversity and multifunctional green infrastructure is good for people's mental wellbeing.

The Royal Society say that "Biodiversity is essential for the processes that support all life on earth, including humans. Without a wide range of animals, plants and microorganisms, we cannot have the healthy ecosystems that we rely on to provide us with the air we breathe and the food we eat. And people also value nature itself."

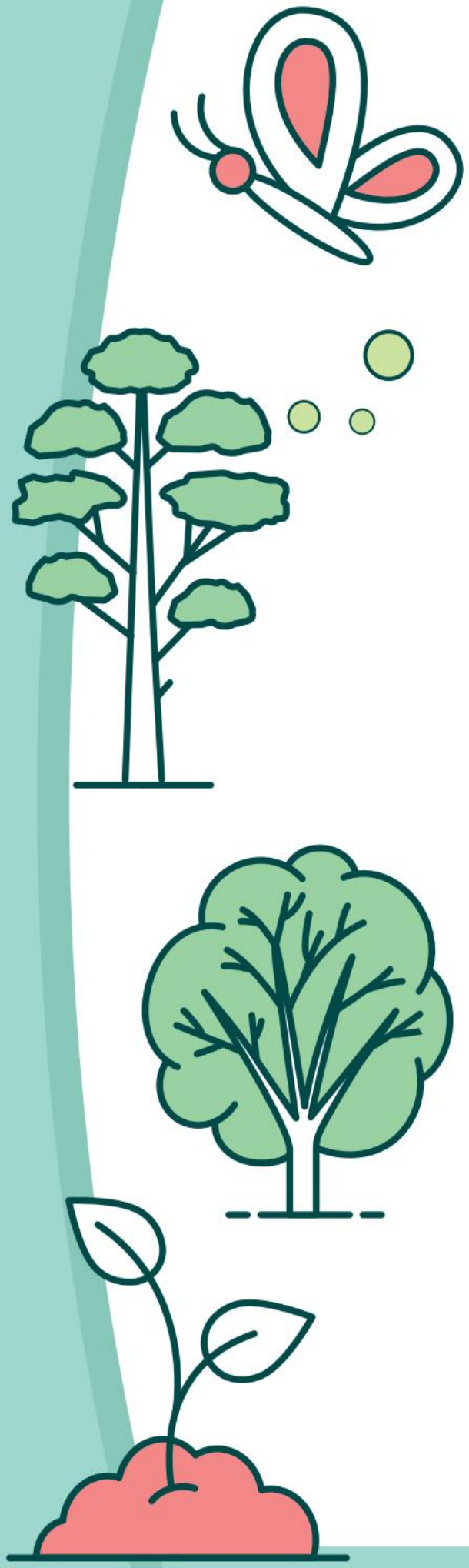
Many people agree that one of the causes of biodiversity loss is climate change. Few people are aware, however, that the decline in biodiversity is also hastening climate change by undermining nature's ability to regulate greenhouse gas (GHG) emissions and protect against extreme weather, altering weather patterns throughout the world. The earth's climate is influenced by almost every natural ecosystem (i.e. habitat, and animal). This explains why climate and ecological emergencies must be addressed together and not in isolation.

There is a wealth of information, guidance, toolkits, and best practice available. The climate emergency SPDs do not attempt to distill all this information and guidance into one document – what the SPDs attempt to do is provide a summary of guidance on what is most important to the Council. Links are provided throughout the SPDs to more detailed guidance.

This is the Biodiversity SPD. Biodiversity protection and provision is a duty that public bodies, developers, landowners and society generally all share. This SPD aims to clearly set out the principles the Council expects to ensure that development proposals create space for nature. Chapter 2 of the SPD sets out the background and context and chapter 3 sets out the Colchester context, including maps of Colchester's environmental designations. Chapter 4 includes advice on protected species as a check of what information is likely to be required, with links to guidance and Natural England's standing advice. Chapter 5 explains the mitigation hierarchy, which must be followed. Chapter 6 includes creating space for nature design principles. These are principles the Council expects applicants to incorporate into their proposals to enhance biodiversity. Chapter 7 includes a list of advice for householder applications on measures householders can incorporate into their proposals to enhance biodiversity. Chapter 8 lists planning application expectations – what the Council will expect applicants to submit with their application.

This SPD is intended to be concise and includes references and links to numerous other documents that DM Officers and applicants should read where appropriate. For example, the chapter on protected species and ecological surveys includes links to Natural England's standing advice and guidance from specialist conservation organisations.

A separate guidance note will be prepared on biodiversity net gain. Biodiversity net gain is a requirement of the Environment Act. At the time of drafting this SPD, secondary legislation and guidance is being prepared. The Council decided to include the biodiversity net gain guidance in a stand-alone guidance note rather than within this SPD to make it easier to update the biodiversity net gain guidance to reflect secondary legislation, guidance, and good practice. The Essex Local Nature Partnership has prepared biodiversity net gain guidance.



Chapter 2: Background and Context

Legislation

There are numerous legislation and Conventions of relevance to the environment and Policies ENV1-ENV5 of the Colchester Local Plan, which are listed below. The list includes European Directives, the Trade and Co-operation Agreement includes reciprocal commitments not to reduce the level of environmental or climate protection or fail to enforce its laws in a manner that has an effect on trade.

- Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora aims to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements (the Habitats Directive).
- The Birds Directive, which is the oldest piece of EU legislation on the environment (amended in 2009) and aims to protect all of the 500 wild bird species naturally occurring in the EU.
- The Strategic Environmental Assessment (SEA) Directive, which requires the integration of environmental assessment into plans and programmes at the earliest stages to lay down the groundwork for sustainable development.
- The Water Framework Directive, which aims to improve EU water legislation by expanding on the scope of water protection to all waters and sets out clear objectives with specified dates.
- The Convention on Biological Diversity, signed by 150 government leaders at the Rio Earth Summit in 1992 and is dedicated to promoting sustainable development and translates the principles of Agenda 21.
- The European Landscape Convention, which provides a people centred and forward looking way to reconcile management of the environment with the social and economic challenges of the future and aims to help people reconnect with place.
- The Wildlife and Countryside Act, which provides national protection for SSSIs and protected species, in addition to a range of other measures. There have been numerous amendments to the Act, most significantly through the Countryside and Rights of Way (CRoW) Act 2000 and Natural Environment and Rural Communities Act 2006 (NERC). It implements the Convention on the Conservation of European Wildlife and Natural Habitats and Council Directive 2009/147/EC on the conservation of wild birds.
- The Countryside and Rights of Way Act (CRoW Act), which provides for public access on foot to certain types of land, amends the law relating to public rights of way, increases measures for the management and protection for Sites of

Special Scientific Interest (SSSI), strengthens wildlife enforcement legislation, and provides for better management of Areas of Outstanding Natural Beauty (AONB). The Act places a duty on government departments to have regard for the conservation of biodiversity.

- The Natural Environment and Rural Communities Act (NERC), which was designed to help achieve a rich and diverse natural environment and thriving rural communities. The Act implements key elements of the government's Rural Strategy (2004). Section 40 places a duty on public authorities to have regard to conserving biodiversity.
- The Conservation of Habitats and Species Regulations 2017, which consolidate the 2010 regulations with amendments and transpose Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and elements of the EU Wild Birds Directive into national law. The Habitat Regulations provide for the designation and protection of European Sites. Under the Habitat Regulations, Councils may only give consent to a plan or project where it can be ascertained that it will have no adverse effect on the integrity of a European Site, unless the exceptional requirements set out in the Regulations can be met.
- The Flood and Water Management Act 2010, which requires flood and coastal erosion risk management authorities to aim to contribute towards the achievement of sustainable development when exercising their flood and coastal erosion risk management functions.
- The Hedgerow Regulations, which protect countryside hedgerows.
- The Environment Act 2021, which brings into UK law environmental protections and recovery. It includes targets, plans and policies for improving the natural environment. It includes details on creating a new governance framework for the environment, a new direction for resources and waste management, improving air quality, securing water services, enhancing green spaces, and updating laws on chemicals. It introduces mandatory biodiversity net gain and at the time of writing, secondary legislation and guidance is expected.

Environment Act and 25 Year Environment Plan

The 25 Year Environment Plan was published in 2018. The Environment Plan sets out the government's goals for improving the environment within a generation. It aims to leave the environment in a better state and details how government will work with communities and businesses to do this over the next 25 years.

The Environment Act 2021 puts the 25 Year Environment Plan into law and creates a statutory framework for environmental principles. The Act introduces a Nature Recovery Network and Local Nature Recovery Strategies, which will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. Under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain. Biodiversity net gain will be measured using Defra's biodiversity metric and habitats will need to be secured for at least 30 years. In addition, and of relevance, the Environment Act includes a strengthened legal duty for public bodies to conserve and enhance biodiversity and new biodiversity reporting requirements for local authorities.

A Nature Recovery Network is a strategy to tackle biodiversity loss. 500,000 hectares of additional wildlife habitat will be created. Wildlife sites will be connected, and opportunities will be provided for species conservation and the reintroduction of native species. Green infrastructure will be an important part of the Nature Recovery Network. The government intends that as well as helping wildlife thrive, the Nature Recovery Network could be designed to bring a wide range of additional benefits, including public enjoyment, pollination, carbon capture, water quality improvements and flood management.

Local Nature Recovery Strategies are spatial strategies that will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. Local Nature Recovery Strategies aim to actively restore the natural world and halt the decline in species abundance by 2030. Local Nature Recovery Strategies will apply at county level.

The Essex Local Nature Recovery Strategy will act as a tool to:

- reverse natures decline
- support nature recovery
- guide future habitat creation
- help deliver biodiversity net gain
- support the delivery of the UK-wide nature recovery network
- support the delivery of nature-based solutions

The LNRS Working Group will work together to deliver the Local Nature Recovery Strategy as part of the Essex Local Nature Partnership.

State of Nature

The UK State of Nature report 2019 found that the UK's biodiversity is declining and 15% of species are threatened with extinction from Great Britain. It found that climate change is having an increasing impact on nature in the UK. The State of Nature report was produced by a partnership of more than 70 organisations involved in the recording, researching and conservation of nature in the UK and its Overseas Territories. The State of Nature identified the most significant pressures acting on terrestrial and freshwater nature in the UK are: agricultural management, climate change, urbanisation, pollution, hydrological change, invasive non-native species and woodland management. Urbanisation has direct consequences for wildlife in terms of land use changes, but also fragments landscapes by creating barriers between habitats, thus isolating some populations. Increases in air, light and noise pollution, human disturbance and predation by domestic animals particularly affect biodiversity in urbanised areas. However, the State of Nature recognises that urbanisation does not always result in biodiversity loss: the conversion of an intensively managed arable field to a housing estate with gardens, a community orchard and a pond may provide net gain for species diversity and abundance.

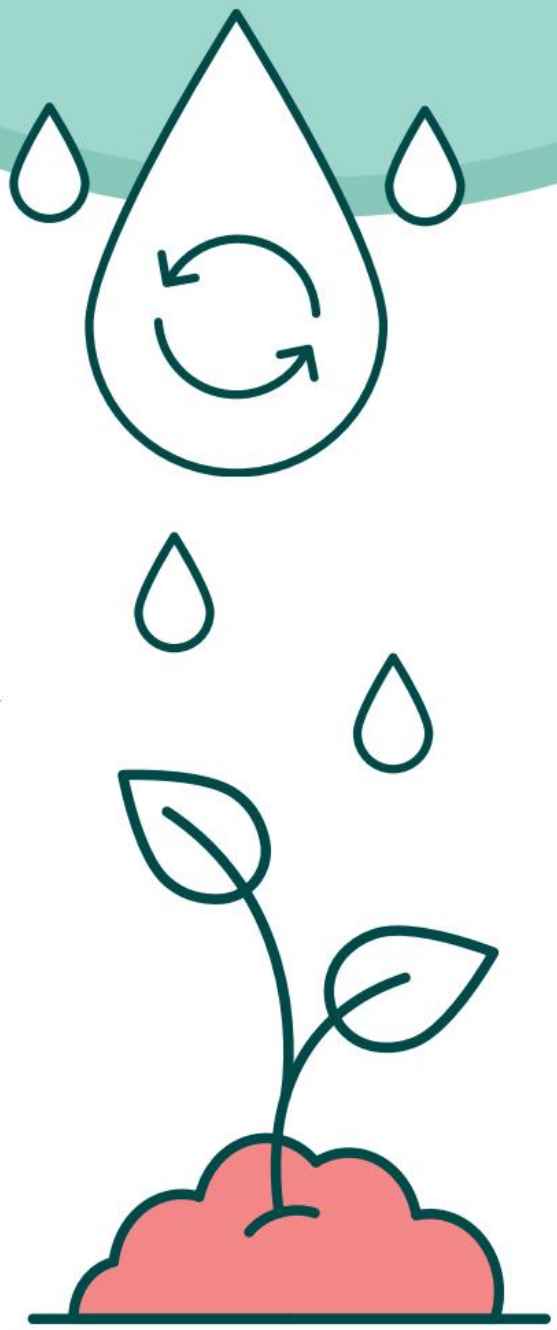
Essex Climate Action Commission

Essex County Council (ECC) has formed an Essex Climate Action Commission, which recognises the role of planning in mitigating and adapting to climate change. The first report – Net Zero: Making Essex Carbon Neutral was published in July 2021.

The plan brings together the work of the Commission across the past year. The Commission recognise that the natural world is our best ally in reversing climate change – it is key to absorbing and storing carbon. Risks from already changing weather systems – more flooding, over-heating, soil degradation, subsidence and water shortage can be tackled by making space for green infrastructure and nurturing our natural world. The Commission's work is structured around the following six core themes: land use and green infrastructure, energy, the built environment, transport, waste, and community engagement.

The report says that if we are to succeed in our goal of Essex becoming a net zero county by 2050, the bulk of the work needs to be done in the next decade. In this report, the Essex Climate Action Commission, makes recommendations that they believe are both necessary for Essex to be net zero by 2050 as well as achievable. Many of them are for measures to be taken, or be well underway, by 2030. The Commission believe that the measures detailed in the report will also lead to an improved natural environment for people to enjoy and a vibrant economy for the benefit of local jobs and livelihoods. By transforming Essex into a net zero county, it can become a sustainable, thriving place to live, work and play.

Much of the city falls within the Essex Climate Action Commission's (ECAC) recommended Climate Focus Area (CFA), which is formed of the Blackwater and Colne River catchment areas. The objective of this recommendation is for the CFA to "accelerate [climate] action and provide exemplars, for learning and innovation: adopting Sustainable Land stewardship practices: 100% by 2030 and Natural Green Infrastructure: 30% by 2030" (ECAC, 2021). Among the objectives of the CFA are to achieve net zero carbon, biodiversity net gain, improve soil health and air quality, reduce flooding and urban heat island effect, and enhance amenity, liveability and wellbeing of Essex communities. It will achieve this by wholesale landscape change in rural areas and urban areas. The CFA will look to developments to contribute to these targets.



Biodiversity

The word 'biodiversity' comes from the term 'biological diversity'. It refers to the variety of all living organisms, including animals, insects, plants, bacteria, and fungi. A habitat is the area and resources used by a living organism or assemblage of animals and plants. Biodiversity is a key factor in supporting life on earth.

The Wildlife Trusts say that a good nature-friendly development retains existing meadows, wetlands, hedgerows, trees and woods, and joins them up with wildlife-rich gardens, verges, amenity green space, cycle paths and walkways. A green-blue infrastructure network connecting a development to the surrounding urban or rural landscape contributes to the wider ecological network. This approach improves air quality, reduces surface water flooding and makes developments greener and more attractive places to live. Residents have easy access to safe, beautiful, natural spaces for exercise, play and social interaction. Wildlife becomes part of everyday life.

All development proposals, even a single dwelling, regardless of size or location has the potential to benefit nature, and to benefit from nature, through integrating and creating space for nature into design and layouts. To create space for nature, the Council has, through engagement with local wildlife experts and following a review of best practice guidance, drafted **design principles**. The design principles are focused on specific design measures that will create space for nature. Each design principle is supported by justification explaining why it is important and core requirements. The Council expects applicants to have regard to these design principles and demonstrate as part of the application how the principles have been incorporated into the development proposal. This is in addition to the requirement for a minimum of 10% biodiversity net gain.

The SPD includes information on protected species and ecological surveys, the mitigation hierarchy, and householder applications. The SPD does not include information on sustainable drainage systems (SuDS) as the Council has adopted the Essex County Council Sustainable Drainage Systems Design Guide (2014). Nor does it refer to tree canopy cover assessments, separate guidance has

been prepared on this, or the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) as the RAMS SPD was adopted in 2020.

The Council advises that specialist ecological consultant advice is sought at the earliest stage in terms of assessing and collating the scope of biodiversity information required to support an application and how to incorporate biodiversity enhancement and biodiversity net gain into development proposals.

Colchester's Local Plan

Policy ENV1 of the adopted Section 2 Local Plan (see box, below) is the most relevant policy to this SPD. This SPD builds upon Policy ENV1 and in particular, Part C criteria (iv) and (v) of the policy, which state:

For all proposals, development will only be supported where it:

(iv) Maximises opportunities for the preservation, restoration, enhancement and connection of natural habitats in accordance with the UK and Essex Biodiversity Action Plans or future replacements; and

(v) Incorporates beneficial biodiversity conservation features, measurable biodiversity net gain of at least 10% in line with the principles outlined in the Natural England Biodiversity Metric, and habitat creation where appropriate.

The SPD sets out the opportunities for the preservation, restoration, enhancement, and connection of natural habitats. It explains how beneficial biodiversity conservation features and habitat creation should be incorporated into proposals. A separate guidance note will be prepared in relation to biodiversity net gain.

Policy ENV1: Environment

The Local Planning Authority will conserve and enhance Colchester's natural and historic environment, countryside and coastline. The Local Planning Authority will safeguard the Borough's biodiversity, geology, history and archaeology, which help define the landscape character of the Borough, through the protection and enhancement of sites of international, national, regional and local importance. The Local Planning Authority will require development to be in compliance with, and contribute positively towards, delivering the aims and objectives of the Anglian River Basin Management Plan.

A. Designated sites

Development proposals that have adverse effects on the integrity of habitats sites, Sites of Special Scientific Interest or significant adverse impacts on the special qualities of the Dedham Vale Area of Outstanding Natural Beauty (including its setting) (either alone or in-combination) will not be supported.

B. Essex Coast RAMS

A Recreational disturbance Avoidance and Mitigation Strategy has been completed in compliance with the Habitats Directive and Habitats Regulations. Further to Section 1 Policy SP2, contributions will be secured from qualifying residential development, within the Zones of Influence as defined in the adopted RAMS, towards mitigation measures identified in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

C. Biodiversity and geodiversity

Development proposals where the principal objective is to conserve or enhance biodiversity and geodiversity interests will be supported in principle.

For all proposals, development will only be supported where it:

(i) Is supported with appropriate ecological surveys where necessary; and

(ii) Where there is reason to suspect the presence of a protected species (and impact to), or Species/Habitats of Principal Importance, applications should be accompanied by an ecological survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for their needs and demonstrate the mitigation hierarchy has been followed; and

(iii) Will conserve or enhance the biodiversity value of greenfield and brownfield sites and minimise fragmentation of habitats; and

(iv) Maximises opportunities for the preservation, restoration, enhancement and connection of natural habitats in accordance with the UK and Essex Biodiversity Action Plans or future replacements; and

(v) Incorporates beneficial biodiversity conservation features, measurable biodiversity net gain of at least 10% in line with the principles outlined in the Natural England Biodiversity Metric, and habitat creation where appropriate.

Proposals for development that would cause significant direct or indirect adverse harm to nationally designated sites or other designated areas, protected species, Habitats and Species of Principle Importance, will not be permitted unless: **(i)** They cannot be located on alternative sites that would cause less harm; and

(ii) The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and

(iii) Satisfactory biodiversity net gain, mitigation, or as a last resort, compensation measures are provided.

The Local Planning Authority will take a precautionary approach where insufficient information is provided about avoidance, mitigation and compensation measures and secure mitigation and compensation through planning conditions/obligations where necessary.

D. Irreplaceable habitats

Proposals that would result in the loss of irreplaceable habitats, such as ancient woodland, Important Hedgerows and veteran trees will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy, to the satisfaction of the local planning authority, exists.

E. Countryside

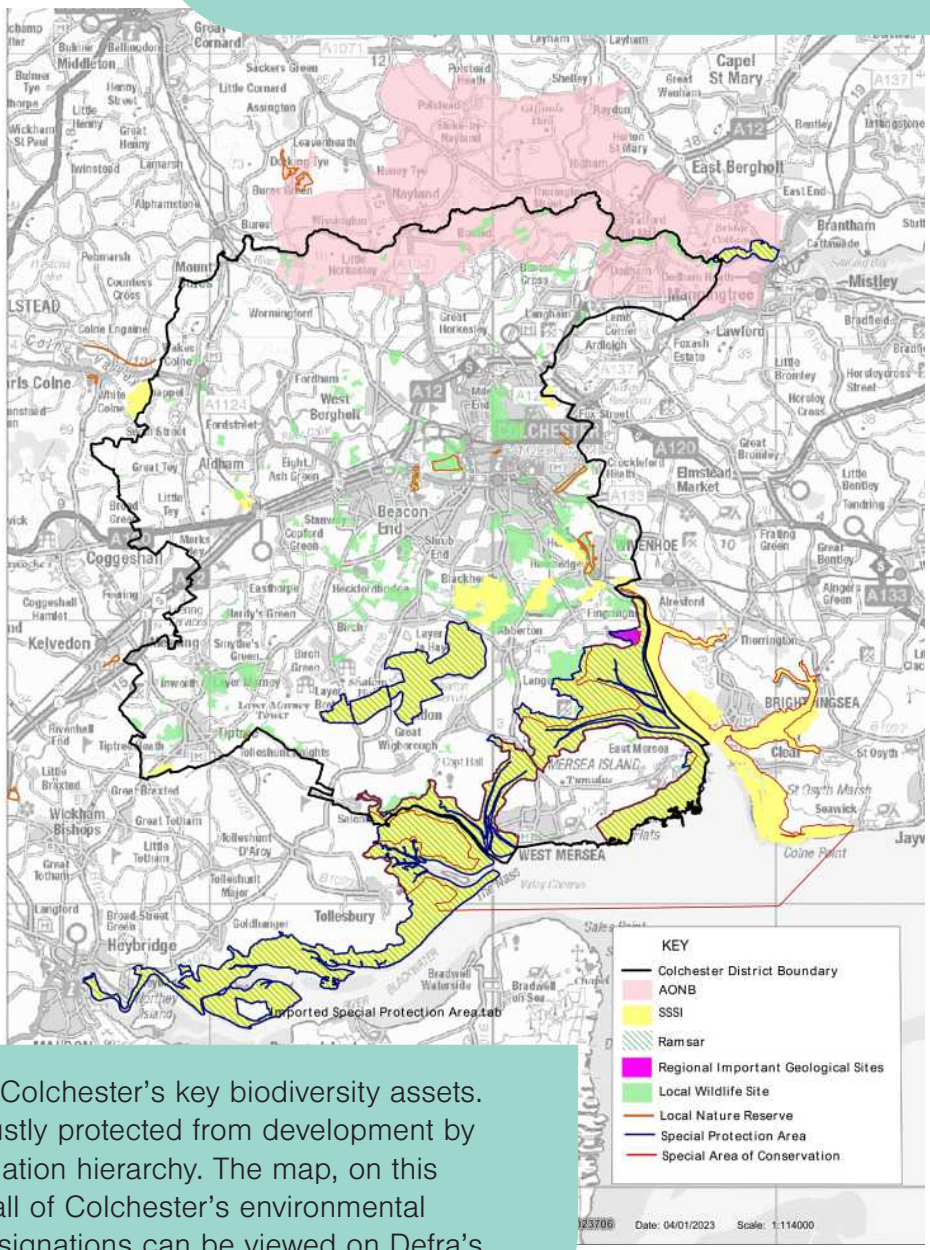
The local planning authority will carefully balance the requirement for new development within the countryside to meet identified development needs in accordance with Colchester's spatial strategy, and to support the vitality of rural communities, whilst ensuring that development does not have an adverse impact on the different roles, the relationship between and separate identities of settlements, valued landscapes, the intrinsic character and beauty of the countryside and visual amenity.

The intrinsic character and beauty of the countryside will be recognised and assessed, and development will only be permitted where it would not adversely affect the intrinsic character and beauty of the countryside and complies with other relevant policies. Within valued landscapes, development will only be permitted where it would not impact upon and would protect and enhance the factors that contribute to valued landscapes.

Chapter 3:
Colchester context

ENVIRONMENTAL DESIGNATION

Colchester's natural environment is extremely diverse and important. The countryside provides the attractive landscape setting that defines and characterises Colchester's villages and rural communities. The countryside and coastal areas also provide important agricultural, tourism and recreational opportunities that support local economies and communities. The Dedham Vale Area of Outstanding Natural Beauty (AONB) is partly located within Colchester, this has the highest level of protection in relation to its natural beauty and special qualities.



The maps in this chapter show Colchester's key biodiversity assets. All designations should be robustly protected from development by rigorous application of the mitigation hierarchy. The map, on this page, provides an overview of all of Colchester's environmental designations. Environmental designations can be viewed on Defra's interactive nature on the map: [Magic Map Application (defra.gov.uk)]

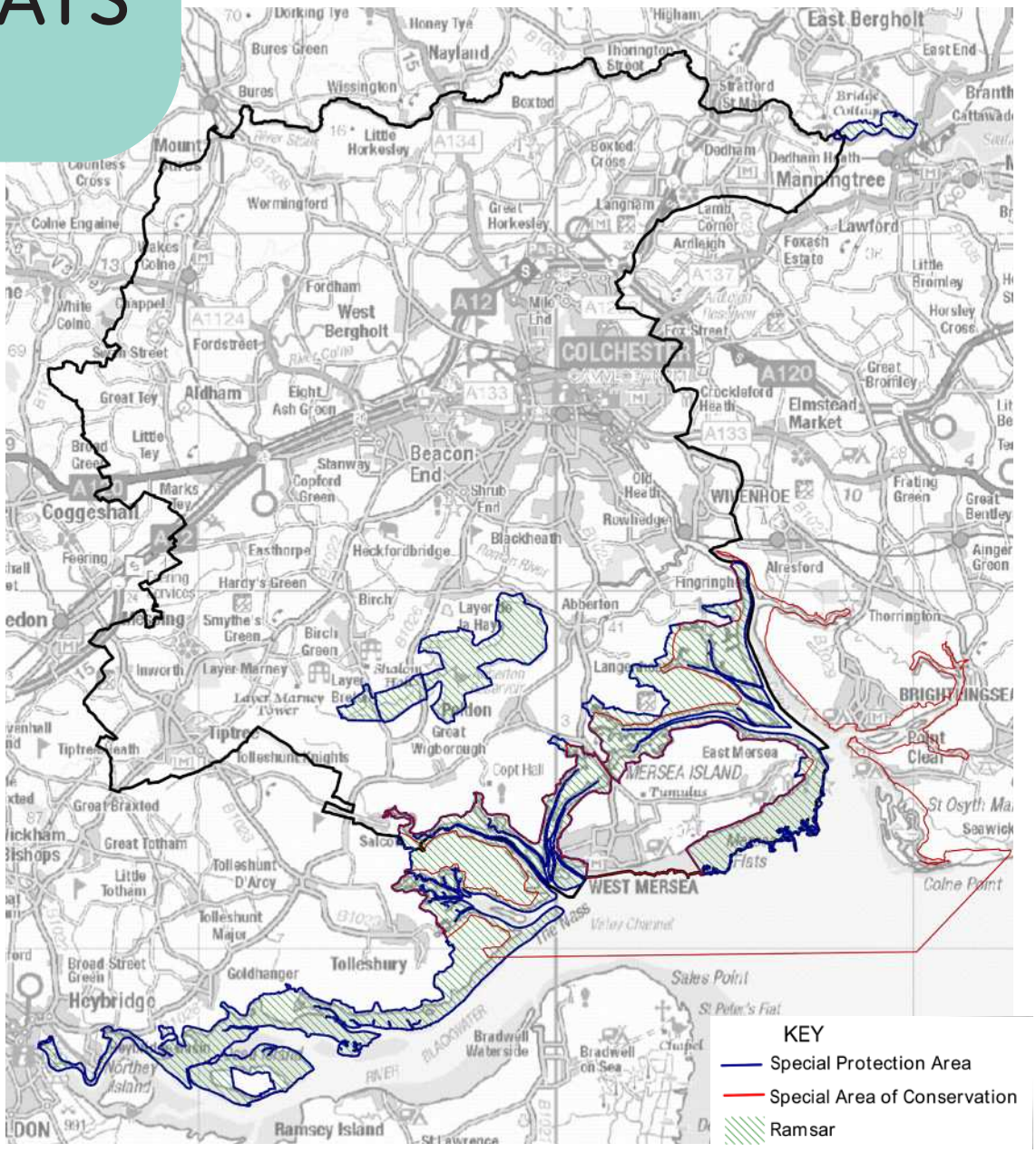
HABITATS SITES

Special Protection Areas and Ramsar sites

Special Protection Areas (SPAs) are sites designated under the Birds Directive by the member states where appropriate steps are taken to protect the bird species for which the site is designated. In Colchester there is the Colne Estuary, Blackwater Estuary and Abberton Reservoir SPAs. These SPAs are also designated as Ramsar sites, which are wetlands of international importance.

Special Areas of Conservation

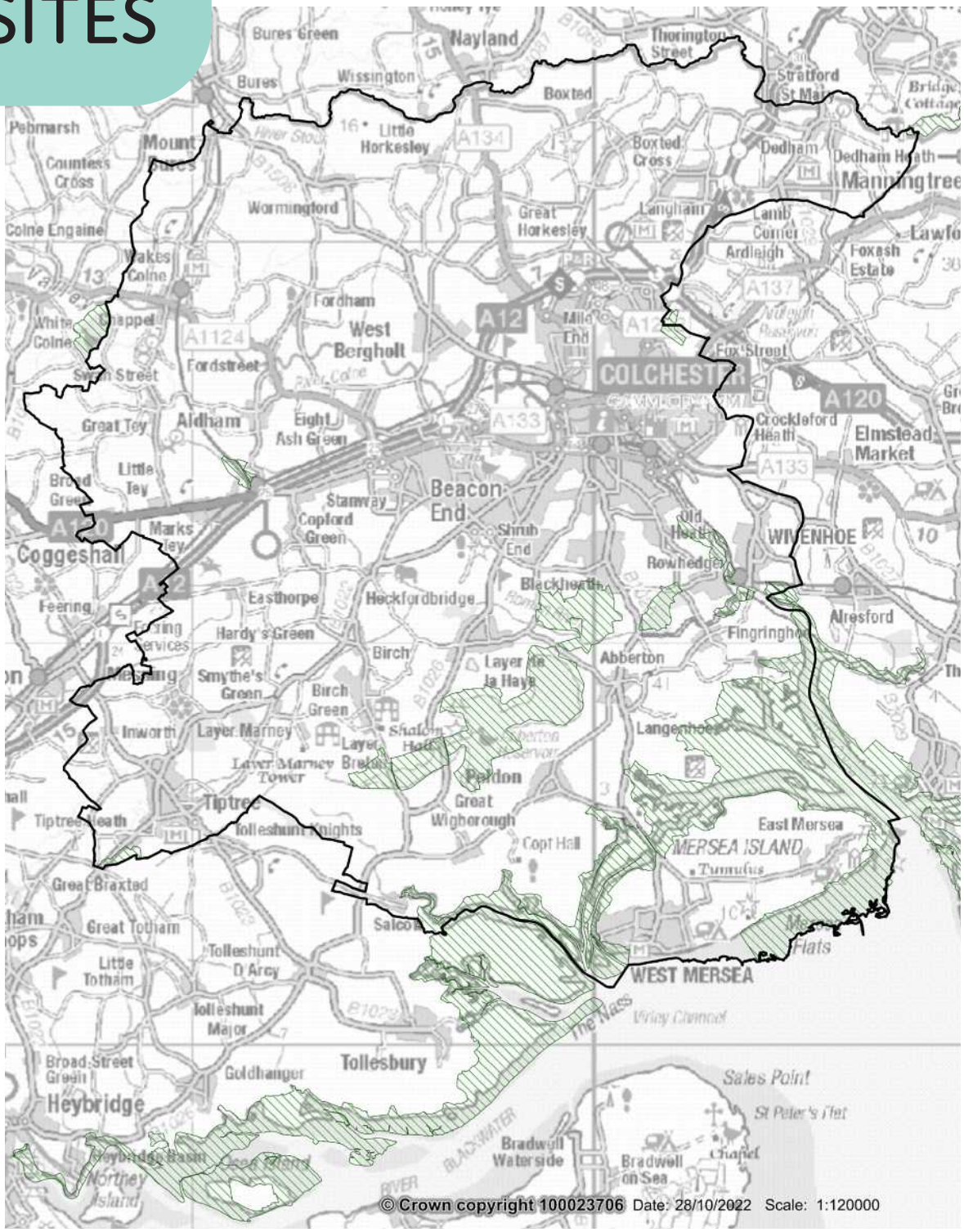
Special Areas of Conservation (SACs) are sites of European Community importance designated by the member states, where necessary conservation measures are applied for the maintenance or restoration, at favourable conservation status, of the habitats and/or species for which the site is designated. In Essex we have the Essex Estuaries SAC, which includes numerous SPAs, including those SPAs within Colchester. The map below shows the SPAs and Ramsar sites in Colchester and the Essex Estuaries SAC.



SSSI SITES

Sites of Special Scientific Interest

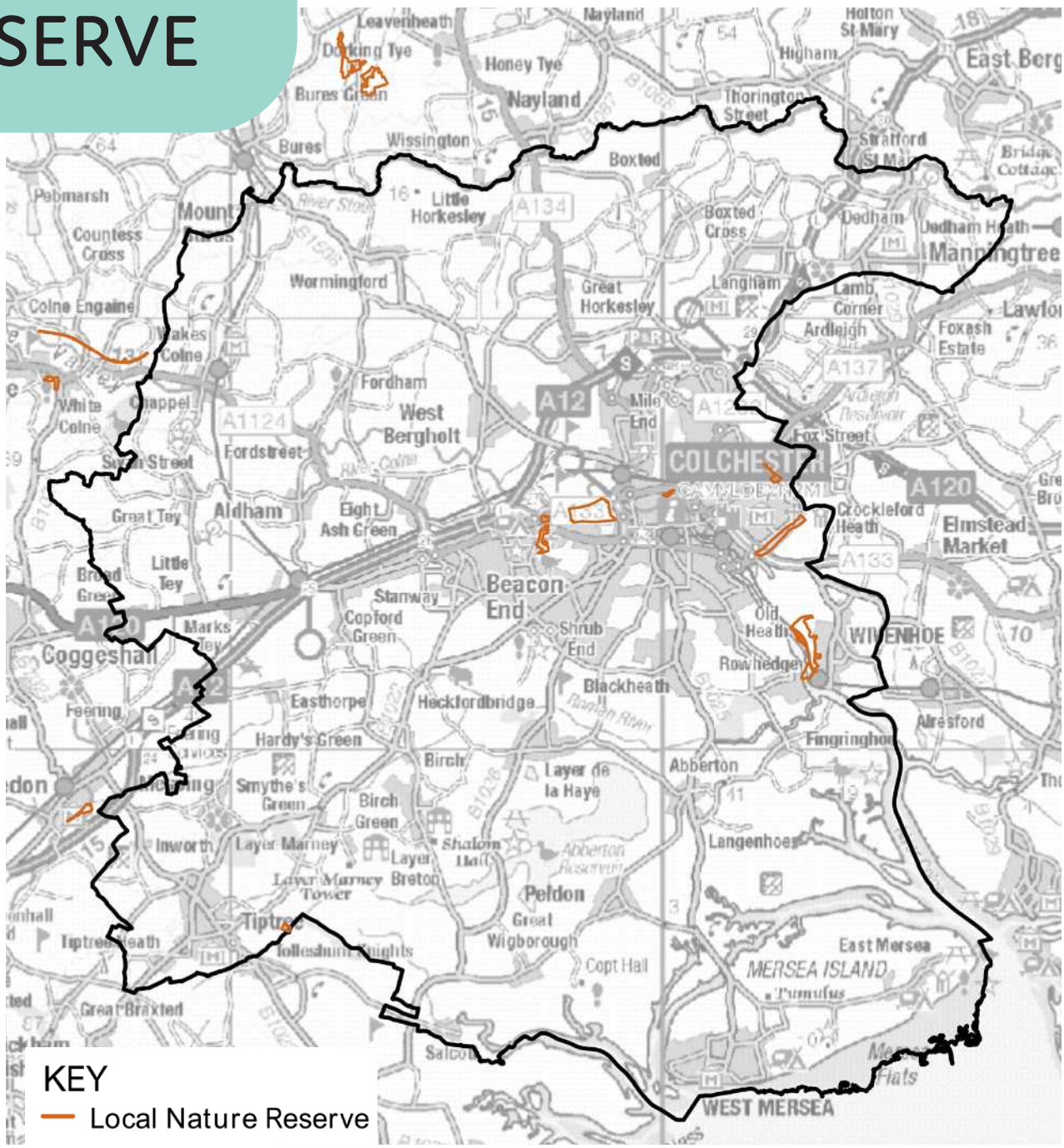
Sites of Special Scientific Interest (SSSI) is land notified under the Wildlife and Countryside Act 1981 as an ecosystem of flora and/or fauna considered by Natural England to be of significant national value and interest to merit its conservation and management. The map below shows SSSIs in Colchester.



LOCAL NATURE RESERVE

National and Local Nature Reserves

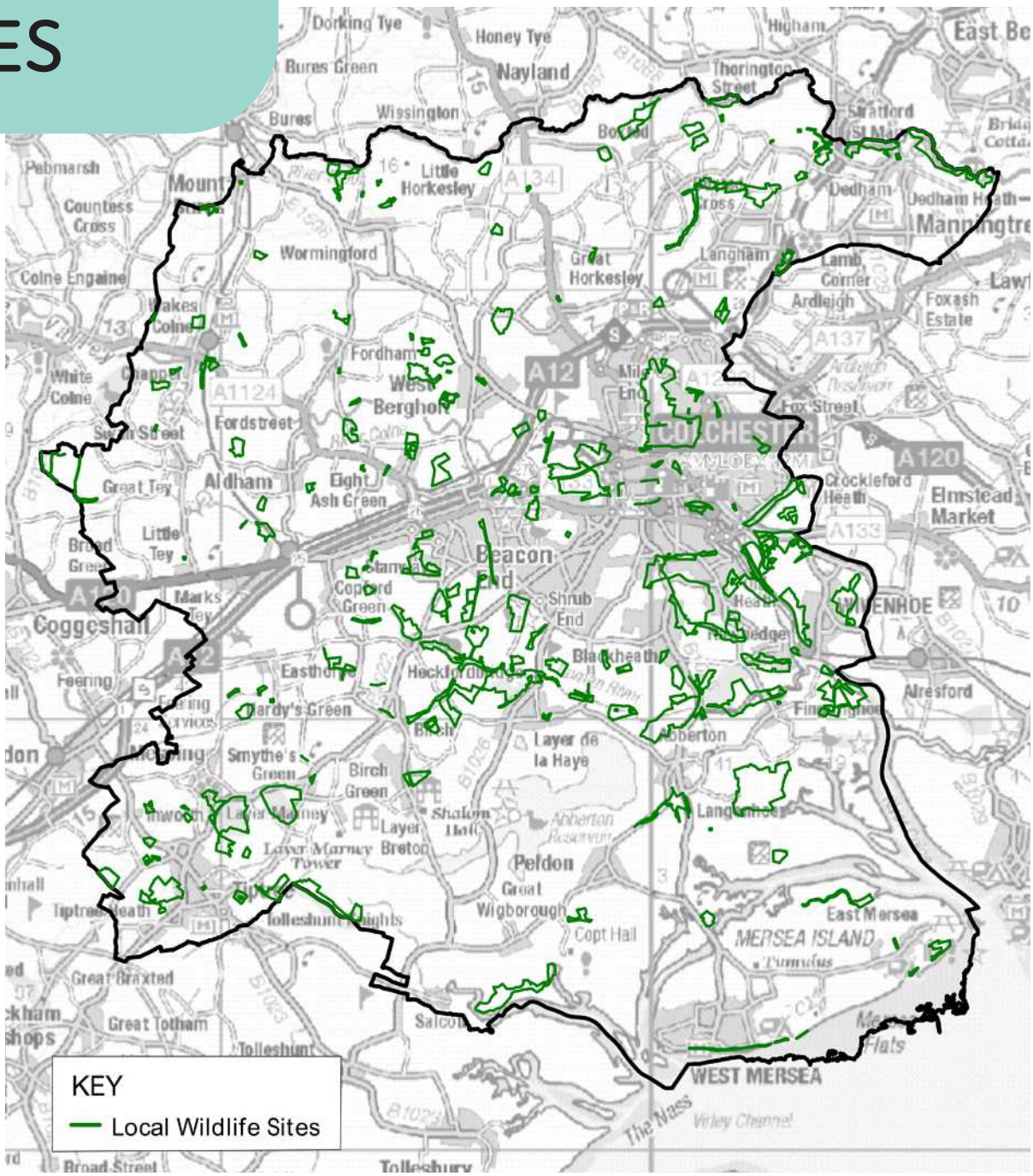
National Nature Reserves (NNRs) were established to protect some of our most important habitats, species, and geology, and to provide 'outdoor laboratories' for research. Local authorities can create local nature reserves (LNRs). LNR are important for biodiversity and nature conservation at the local level. The local authority must control the LNR land - either through ownership, a lease or an agreement with the owner. The natural features of the LNR must be cared for and it must be made accessible for visitors. The map below shows the LNRs in Colchester.



LOCAL WILDLIFE SITES

Local Wildlife Sites (LoWS)

LoWS are recognised as having nationally and regionally important habitats and species and are of fundamental importance in maintaining the current levels, and ensuring the long-term survival, of wildlife in Essex. LoWS help to buffer and connect areas of natural and semi-natural habitat, contributing to ecological networks and increasing the resilience of biodiversity to pressures of land use and climate change. LoWS represent vital core areas of habitat in the emerging Local Nature Recovery Network. The map below shows the LoWS in Colchester.



Chapter 4: Ecological surveys and protected species

This chapter is aimed at DM Officers and applicants as a check of what information is likely to be required. The Essex Biodiversity Validation Checklist provides a useful checklist of what ecological surveys and information may be required and applicants are encouraged to work through this checklist. Full consideration should be given to the extent of ecological surveys required for each site and applicants should seek the advice of a suitably qualified ecologist. Ecological surveys should be independent and carried out by suitably qualified experts. Fit for purpose desk studies should be submitted by applicants in order for crucial information to be available to DM Officers to enable them to effectively validate planning applications and make informed decisions. The Essex Field Club datasearch system is the main source of species records in the county. The Essex Biological and Geological Records Centre Service helps applicants undertake ecological desk studies and obtain specialist species reports from the Essex biological and geological records database.

This chapter is only intended to provide a concise guide to protected species surveys and links to further guidance and information is included in the table, below, and the final chapter of this SPD. Natural England have issued standing advice, which should be referred to. Natural England must be consulted if an application might affect a Site of Special Scientific Interest (SSSI), needs an Environment Impact Assessment (EIA) and/or needs an appropriate assessment under the Habitat Regulations. For development affecting non-statutory local wildlife sites, Essex Wildlife Trust should be consulted.

Adequate information about species, habitats and geological features, and appropriate design solutions, must be provided by applicants when submitting planning applications. The Council will take a precautionary approach when deciding on the level of information required. Where external expertise is required to review and validate ecological survey reports submitted with the application, which may be the case for larger or complex applications, applicants may be requested to reimburse the Council. Arrangements for this will be discussed at the pre-application stage and may subsequently be secured through a Planning Performance Agreement.

The first ecological survey undertaken on a site is usually a Preliminary Ecological Appraisal (PEA) or an Extended Phase 1 Habitat Survey. These surveys identify the habitats present on site and whether there is potential for protected species to be present. Species specific surveys are often recommended within a PEA or Extended Phase 1 Habitat survey. Where the applicant's ecology report indicates that further surveys are required to support a planning application, the results of all such surveys and associated details of necessary mitigation measures need to be submitted prior to determination. This is necessary to provide certainty of likely impacts and that effective and deliverable mitigation can be secured either by a condition of any consent or with a

mitigation licence from Natural England. Where recommended protected species surveys have not been completed, the ecology report will not be regarded as sufficient to support the planning application. The Council expects any species specific surveys to be completed prior to submitting a planning application and at the optimal time of year (see appendix 1 for details of optimal surveys for each species). The table, below, provides a checklist to help consider what surveys may be required. If the answer to any of the questions is yes, the applicant should include a survey report detailing the population level at the site, the direct and indirect effects of the development upon the species, full details of any avoidance, mitigation or, as a last resort, compensation required, whether the impact is acceptable and whether Natural England is likely to grant a license.

If surveys find that the development proposal would affect a protected species the avoidance, mitigation or compensation measures must be secured as part of the planning consent by condition or legal agreement. To avoid harm or disturbance, development proposals could reduce the size of the development or alter its layout to retain the sites important habitat features; and plan for construction work to be carried out at specific times to avoid sensitive times for the species present. Mitigation measures should be agreed in a mitigation strategy, which should remove or reduce the negative effects of the development proposal and show how mitigation measures will be carried out. A legal agreement will be needed to ensure that the mitigation measures can be maintained long-term. **Compensation measures should only be used as a last resort.** Compensation measures should provide a better alternative in terms of quality of area compared to the habitat that would be lost; provide like-for-like habitat replacements next to or near existing species populations; provide alternative habitats further away from the impacted population if the natural range of the species is not going to be adversely affected; provide connections with similar habitats to allow

species movement; provide alternative habitats in advance of the harm caused. Protected species licenses are subject to separate process and specific policy and legal tests.

A Preliminary Ecological Appraisal and Extended Phase 1 Habitat Survey may also identify the need for botanical, invertebrate and other surveys for sites where these initial surveys indicate significant invertebrate assemblages, plants and rare or threatened species are present in the search areas. Invertebrate surveys should follow Natural England's Invertebrate Standard Advice for Essex as well as Natural England's standing advice for the wider country as a whole.

Colchester Natural History Society have prepared a list of locally important species. This list will be published alongside this SPD and updated accordingly. Applicants should have regard to this list of locally important species and follow the mitigation hierarchy to firstly avoid and then mitigate harm.

Table 1. Protected species, suitable habitats, and further advice

Protected species: questions	Suitable habitats for protected species
Bats	
Further advice: Bat Conservation Trust: Home - Bat Conservation Trust (bats.org.uk) Natural England's standing advice for bats: Bats: advice for making planning decisions - GOV.UK (www.gov.uk)	
Are there any structures on site which have the potential to support roosting bats?	Structures with high potential include: • all agricultural buildings • buildings with weather boarding • tunnels • ice houses • bridges • cliff faces with crevices • woodland
Are there any trees on the site which have the potential to support roosting bats?	Trees with high potential to support roosting bats include old and veteran trees and any trees with cracks or crevices. Where appropriate, foraging and community routes should be incorporated into the design of the scheme.
Barn owls	
Further advice: The Barn Owl Trust (2015) Barn Owls and Rural Planning Applications – a Guide. Barn-Owls-and-Rural-Planning-Applications-a-Guide-2015.pdf (barnowltrust.org.uk)	
Is there any evidence of barn owls nesting on or near the site or are there suitable nesting areas on the development site?	Barn owls often nest in: • farm buildings • dovecotes • hollow trees • derelict buildings. Barn owls require habitat which supports high numbers of small mammals including pasture, hedgerow and woodland.

Protected species: questions	Suitable habitats for protected species

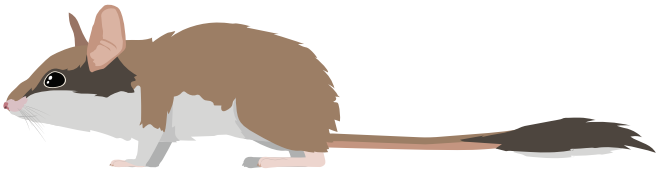
Breeding birds

Will areas of hedgerow/scrub/woodland/trees or other features likely to be used by nesting birds be affected by the proposal?	If yes, details of the mitigation measures to ensure occupied nests are protected, especially during the breeding season, should be included with the application. Nesting habitat should be retained wherever possible and/or new nesting opportunities created.

Badgers

Further advice: Natural England's standing advice for badgers: Badgers: advice for making planning decisions - GOV.UK (www.gov.uk) Badger Trust Badger protection guidance for developers: Badger Trust Guidance for developers - 2022 - DIGITAL

Is there any evidence of badgers on or near the site?	
Are badgers commuting through the site to foraging areas?	Badgers use a wide variety of habitats and setts can be found in: • hedgerows • woodlands • scrub and field margins • brownfield land. Where appropriate, safe routes to foraging areas should be incorporated into the development proposals.



Dormice

Further advice: English Nature (now Natural England) The dormouse conservation handbook: EN DORMOUSE HANDBOOK (4663) (cieem.net)

Is there suitable habitat for dormice on or close to the site?	Dormice are found in a variety of habitats including: • ancient, semi-natural woodland • scrub • young plantations hedgerows.

Great crested newts

Further advice: Natural England's Great crested newts: district level licensing for local planning authorities guidance Great crested newts: district level licensing for local planning authorities - GOV.UK (www.gov.uk)

A district level licensing (DLL) scheme is in place for great crested newts in Essex. This means that developers can make a financial contribution to strategic, off-site habitat compensation instead of applying for a separate license or carrying out individual detailed surveys. Applicants need to apply for an impact assessment and conservation payment certificate (an IACPC) from Natural England and DM Officers need to check that a signed IACPC is submitted as part of the planning application and the site boundary matches the application boundary.

Reptiles

Further advice: Natural England's standing advice for reptiles: Reptiles: advice for making planning decisions - GOV.UK (www.gov.uk)

Is there suitable habitat on site for reptiles?	Reptiles use a variety of habitats including: • rough grassland • heathland • allotments • scrub • brownfield sites • field margins abandoned gardens.

Invertebrates

Further advice: Natural England's standing advice for invertebrates: Invertebrates: advice for making planning decisions - GOV.UK (www.gov.uk)

Is there suitable habitat on site for invertebrates?	Invertebrates exist in all habitats, but certain habitat types are of very high value and should be considered in survey plans. These include: • woodland that supports mature and ancient trees • semi-natural vegetation • wetland • coastal areas • open mosaic habitat on previously developed land. Small areas of habitat can be of high value to all invertebrates, whether they are protected or not. This means even small-scale developments can harm species such as: • large blue butterflies • Fisher's estuarine moths • little ramshorn whirlpool snails.

Other protected species, e.g. otters, water voles, white-clawed crayfish

Further advice: Dean, M., Strachan, R., Gow, D. and Andrews, R. (2016). The Water Vole Mitigation Handbook (Mammal Society Mitigation Guidance Series). Eds Fiona Matthews and Paul Chanin. Mammal Society, London. Water voles: advice for making planning decisions - GOV.UK (www.gov.uk) https://www.gov.uk/guidance/otters-advice-for-making-planning-decisions

Has the site been surveyed for other protected species?	

Protected species decision checklist

The following protected species decision checklist flowchart will help DM Officers in decision making related to protected species.

Is the application within or close to a designated site?

YES
Consult Natural England

NO
Has the survey report confirmed that there's suitable habitat for the species on or next to the application site or within a known range of the species?

NO
Accept the findings and require a minimum of 10% biodiversity net gain

YES
Has the applicant and specialist advice confirmed that it's unlikely the development will have an adverse effect on the species?

YES
Accept the findings.

- Planning permission may be granted (subject to other material considerations)
- Secure working methods and programme using planning conditions where necessary to avoid impacts.
- Require a minimum of 10% biodiversity net gain.
- Add an informative to the planning decision notice regarding the action to be taken if protected species are encountered during development.

NO
Has the species survey been carried out at the right time of year and using appropriate survey techniques covering an adequate search area?

NO
inadequate survey. Advise the applicant, planning permission can be refused.

YES
Has evidence of the species been found in the application site or in the study area?

NO
Could the proposals indirectly impact on the species, for example prevent species movement between habitats?

NO
Accept the findings and require a minimum of 10% biodiversity net gain

YES
Will the species and/or their habitat be impacted by the planning application?

YES
Does the mitigation proposed make sure:

- there isn't a net loss of quantity or quality of habitat
- habitat links will be kept
- there's a long-term management strategy for the site for the benefit of the species

NO
Request further or more appropriate mitigation or compensation and reconsider the question.

If the applicant fails to provide satisfactory information, consider refusal of the application as it does not adequately consider protected species or comply with the Wildlife and Countryside Act 1981 (as amended) or The Conservation of Habitats and Species Regulations 2017.

NO
Accept the findings and require a minimum of 10% biodiversity net gain

YES
Is the species a European protected species?

NO
Accept the findings and require a minimum of 10% biodiversity net gain

YES
Do you think the mitigation measures are adequate and Natural England is likely to grant a license?

NO
Request further or more appropriate mitigation or compensation and reconsider the question.

If the applicant fails to provide satisfactory information, consider refusal of the application as it does not adequately consider protected species or comply with the Wildlife and Countryside Act 1981 (as amended) or The Conservation of Habitats and Species Regulations 2017.

YES
Planning permission may be granted subject to appropriate planning conditions and obligations. This may include a detailed mitigation and monitoring strategy.

Chapter 5: Mitigation hierarchy

The design of all development proposals should reflect the findings and recommendations in the ecological surveys carried out for the site and incorporate measurable biodiversity net gain of at least 10%. The mitigation hierarchy should also be applied. The mitigation hierarchy is a widely used tool that guides users towards limiting harm to features of biodiversity value through avoiding harm, minimizing and mitigating harm and, as a last resort, compensating or offsetting harm. Ecological reports must explain how the hierarchy of mitigation measures (Avoid, Mitigate, Compensate) has been embedded into the design of the development. Where impacts on habitats and species cannot be avoided, a clear explanation of why alternative sites are not feasible, and what proposed mitigation, and compensation measures are necessary to address all likely significant adverse effects should be required. Applicants must demonstrate that, in the design of their proposals, they have followed the mitigation hierarchy with respect to ecological impacts.

The first step is avoid – harm to features of biodiversity value should be avoided. The Council has a supply of deliverable housing sites with allocations in the adopted Local Plan and a 5 year housing land supply. Development on sites that are not allocated in the Local Plan and likely to harm features of biodiversity value should be avoided by locating development on an alternative site. Another way of avoiding harm is to consider an alternative layout which will avoid harm to features of biodiversity value. It could be as simple as retaining trees and hedgerows on site. Avoiding harm is often the easiest and cheapest way of reducing harm and can make it easier to achieve a minimum of 10% biodiversity net gain.

If harm cannot be avoided, any harm should be minimized and mitigation measures incorporated into the design of the development proposal. A mitigation strategy should be prepared and submitted with the planning application which includes details of how the mitigation measures will be managed and maintained for a period of at least 30 years.

As a last resort, if despite mitigation there would still be harm, compensation measures should be incorporated into the design of the development. The applicant will need to demonstrate how these measures will be managed and maintained for a period of at least 30 years. Compensation measures should provide alternative habitat of higher quality and a greater area to the habitat lost. This is the exception and must be fully justified.

Where species rich habitat will be lost or damaged, habitat creation should take place before the existing species rich habitat is lost or damaged to help maximise habitat coverage. This will be especially important in situations where the habitat supports species that are particularly sensitive to temporal effects. For example, ground dwelling bees having one generation per year will not be able to persist in areas devoid of suitable habitat while awaiting restoration post loss.

Developers should be expected to avoid direct and indirect impacts on irreplaceable habitats and embed measures to achieve this within the design of any development proposal. In accordance with Policy ENV1, proposals that would result in the loss of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy.

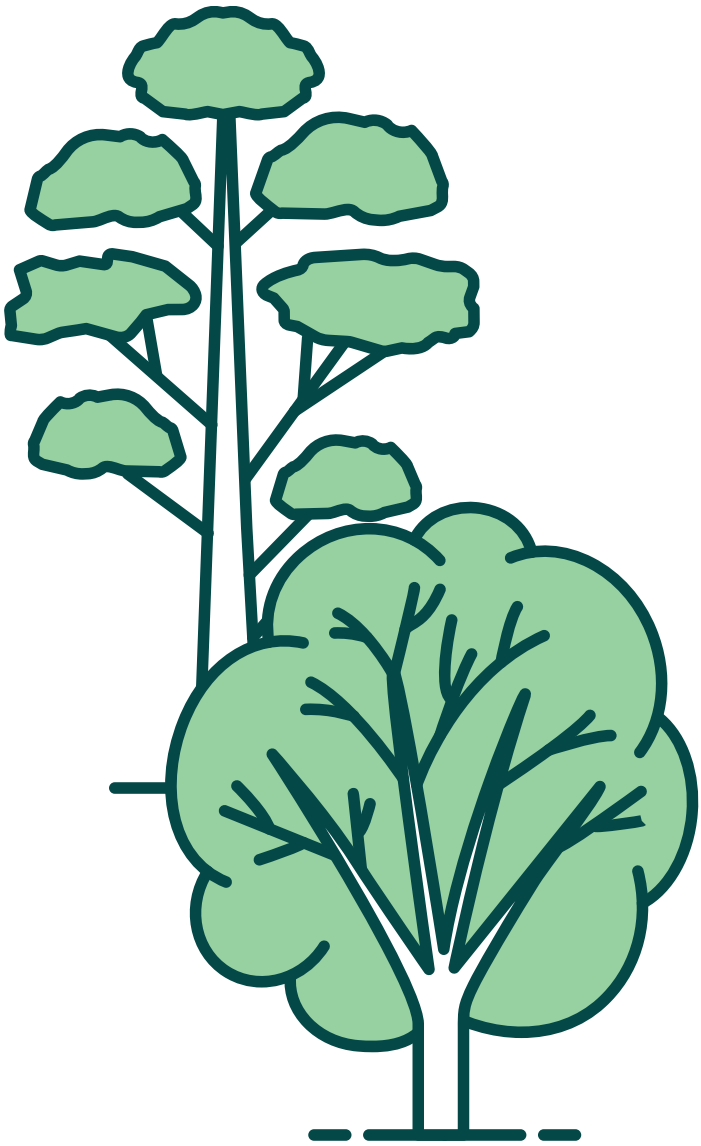
Irreplaceable habitats are defined in the NPPF and a definition is expected in biodiversity net gain guidance. The loss of irreplaceable habitats cannot be compensated for by gains elsewhere and so they are excluded from biodiversity net gain calculations.

Any proposals that are likely to result in impacts on irreplaceable habitat should be accompanied by detailed survey information and clear evidence to support the exceptional reasons that justify such a loss. Compensation strategies should include contribution to the enhancement and management of the habitat.

The approach to following the mitigation hierarchy should be informed by up-to-date survey and assessment of the ecological value of the habitats and species likely to be affected, aligned to best practice standards as set out in BS42020:2013 Biodiversity – Code of practice for planning and development. This British Standard gives guidance on how development might affect biodiversity, provides recommendations on how to integrate biodiversity into all stages of the planning, design, and development process, and provides a rigorous framework for assessing impacts and for securing mitigation, compensation, and appropriate biodiversity enhancements. Compliance with this standard is

an important and credible way to demonstrate the validity of ecological information provided in support of planning applications. Any deviations from this British Standard should be fully justified

Where a development proposal cannot satisfy the requirements of the mitigation hierarchy, development will not be supported in accordance with Policy ENV1 (Environment) Part C, criteria (ii) and Part C (i)-(iii) of the Colchester Local Plan, which states:



"For all proposals, development will only be supported where it: (ii) Where there is reason to suspect the presence of a protected species (and impact to), or Species/Habitats of Principal Importance, applications should be accompanied by an ecological survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for their needs and demonstrate the mitigation hierarchy has been followed." [Part C, criteria (ii)]

"Proposals for development that would cause significant direct or indirect adverse harm to nationally designated sites or other designated areas, protected species, Habitats and Species of Principle Importance, will not be permitted unless:

(i) They cannot be located on alternative sites that would cause less harm; and

(ii) The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and

(iii) Satisfactory biodiversity net gain, mitigation, or as a last resort, compensation measures are provided.

The Local Planning Authority will take a precautionary approach where insufficient information is provided about avoidance, mitigation and compensation measures and secure mitigation and compensation through planning conditions/obligations where necessary." [Part C (i)-(iii)]

Chapter 6: Creating space for nature design principles

This chapter includes creating space for nature design principles. Each principle includes a description of why it is important and has been included in this SPD and core requirements. These principles set out how the Council expects biodiversity to be incorporated into development proposals to create space for nature in accordance with Policy ENV1 (Part C):

(iii) Will conserve or enhance the biodiversity value of greenfield and brownfield sites and minimise fragmentation of habitats; and

(iv) Maximises opportunities for the preservation, restoration, enhancement and connection of natural habitats in accordance with the UK and Essex Biodiversity Action Plans or future replacements; and

(v) Incorporates beneficial biodiversity conservation features, measurable biodiversity net gain of at least 10% in line with the principles outlined in the Natural England Biodiversity Metric, and habitat creation where appropriate.

Creating space for nature design principle	Core requirements
Contribute to Colchester's green-blue infrastructure network. Create new multifunctional green-blue infrastructure that is appropriate and proportionate to the size and location of the development proposal. Create connections to existing green-blue infrastructure. **Why?** Green-blue infrastructure has multiple benefits including benefits for biodiversity, recreation, climate change resilience, SuDS and health and wellbeing. The Essex Local Nature Partnership have targets for the current 14% of green infrastructure coverage of Essex to be increased to 25% green infrastructure coverage by 2030; and access to high quality green space for all.	• Include at least 10% of the gross site area as usable open space in accordance with policy DM18. • Large areas of habitat are better than smaller, fragmented areas. • Avoid including all activities in a small area, i.e. recreational activities intermixed with biodiversity space. • Take opportunities to connect new open spaces with existing open spaces and other green-blue infrastructure. • Wherever possible, wildflower nectar and pollen providers should be embedded within the landscape including grass verges. This includes nesting habitat for pollinators such as bee banks and bee hotels. • Whilst not adopted by the Council, applicants should have regard to the advice in the Essex Green Infrastructure Standards Guidance and Building with Nature Standards • Consider ECC SuDS Design Guide.

Creating space for nature design principle	Core requirements
Plant new trees across the development site, including street trees. **Why?** Trees help improve air quality, enhance ecological connectivity, and help reduce the urban heat island effect. Street trees can act as natural traffic management measures. The NPPF(paragraph 131) states that 'planning policies and decisions should ensure that new streets are tree lined.	• In accordance with Policy CC1 of the Local Plan, a minimum of 10% increase in canopy cover is required on all major development sites. • The Council has prepared a Tree Canopy Cover Assessment guidance note. • Consider the suitability of the site for tree planting, including the species to be planted. • Tree planting on important grassland habitat should be avoided. • Trees should be locally sourced from reputable suppliers. • Natural regeneration of scrub and trees should generally be the default option. • Consideration should be given for accompanying undergrowth as habitat provision.
Retain and enhance existing hedges and create new hedges. Hedges should be used in preference to fences as boundaries to properties where appropriate. New hedges are usually best when they comprise mixed native species. Buffers should be included on either side to retain, encourage, introduce species movement, foraging, nesting. **Why?** Good quality hedges provide food, shelter, and safe breeding sites for wildlife.	• Identify existing hedgerows in the landscape plan and indicate where new hedges are to go to provide connectivity. • Carry out remedial works to rejuvenate neglected hedges, including gapping up with additional plants. • Provide buffer strips of wildflower grassland, cut every other year on rotations. • Where possible, hedgerows should have a biodiversity buffer of at least 10 metres both sides of the hedgerow. • Clearly show buffer strips and the size of these in the landscape plan.
Deadwood from veteran trees should be kept in situ where possible or moved to a safe place onsite with no or minimal processing. **Why?** Deadwood is a valuable habitat and food source for a range of wildlife.	• Retain natural timber and aggregate waste from construction and re-purpose for habitat creation such as hibernacula and low nutrient banks wherever possible.

Creating space for nature design principle	Core requirements
Fit integral swift bricks and house martin nest boxes in all new developments. **Why?** Swifts, house sparrows, starlings and house martins depend on buildings for nesting and roosting and have been significantly affected by changes to buildings.	• Include at least one nest brick or 'universal brick' per house or one brick per 100sqm of commercial development. • Nests should be clustered in suitable areas of the development. • On constrained sites, consideration should be given to prioritising bird, bat and insect boxed in optimum areas of the site. • Nest bricks should be fitted adjacent to the roofline in the cold loft space of a gable or tight to the eaves of hipped roofs. • Elevations exposed to particularly sunny, or driving wind and rain are better avoided. • The British Standard BS42021 sets out details on nest box installation. • Further information available through various sources, including Swift Conservation.
Fit integral bat bricks in appropriate locations in all new developments. **Why?** A number of species depend on buildings for nesting and roosting.	• Retain and enhance existing mature landscape features e.g. trees, hedges, ponds and streams, within the development as these are favoured foraging areas. • Ensure good connectivity between roosts and foraging areas by providing native hedges and trees. • Locate integral roost bricks where they are warmed by the sun. • Design the lighting plan to avoid illuminating roost entrances or the areas between the roost and foraging areas. • Diversify roost provision: some species roost in boxes on trees, others in boxes integrated into buildings. • It is usually best to locate bricks in / around clusters of houses. • On constrained sites, consideration should be given to prioritising bird, bat and insect boxed in optimum areas of the site. • Further information available through various sources, including the Bat Conservation Trust.
Create solitary bee nests including habitat for ground-nesting bees.. A bee hotel is designed to provide a home to solitary bees that live naturally in cracks, hollows, and holes instead of hives. **Why?** To provide habitat for solitary bees. In Britain there are around 250 species of solitary bees. These bees are effective pollinators. Unlike honeybees and bumblebees, solitary bees do not live in colonies.	• Include holes and other materials for the bees to live in. • Include habitat for ground-nesting bees, including south-facing banks, e.g. along the edges of car parks or on verges.

Creating space for nature design principle	Core requirements
Create wildlife highways in boundary walls and fences. **Why?** Hard boundaries such as walls and fences form a barrier to ground dwelling animals such as hedgehogs, reptiles, and amphibians, inhibiting their movement around a housing development. Hedgehogs have undergone massive long-term declines (State of Nature). Hedgehogs roam across large areas in search of food, shelter, and mates. Connecting as many gardens as possible is key.	• Create small 13cm diameter or 13cm square holes in garden fences or walls to allow small ground dwelling animals to pass between gardens. This will be too small for most pets. • Avoid making holes that lead directly onto roads. • The Hedgehog Street campaign list simple ways to help hedgehogs in our gardens and green spaces. • Check details of Registered Toad crossings listed by Froglife.
Watercourses should be protected for cleanliness and retained and have a biodiversity green buffer margin for aquatic species. **Why?** Buffers retain, encourage, introduce species movement, foraging, nesting.	
Include green roofs and green walls where possible. **Why?** Green roofs and walls insulate buildings, attenuate water run-off, provide habitat for wildlife, and pale renders reflect rather than absorb heat so reduces heating of the building. They can also benefit invertebrates and birds.	• Include a mix of fine grasses and wildflowers, sown on a shallow nutrient-poor substrate. Wildflower turfs may also be used instead of seed. • Include a diversity of surface topography with piles of stones and even small ephemeral water features. • Consider green roofs and green walls on communal bin areas, bus shelters and bike stores.
Include flowering lawns and avoid artificial grass. **Why?** Artificial grass delivers no biodiversity benefits, delivers poor drainage, requires regular cleaning (often with chemicals), overheats in hot weather, creates a large carbon footprint and destroys the soil life beneath it. The use of low nutrient status soils supports diverse habitat mosaics with low maintenance requirements.	• Use grass rather than artificial grass. • Include a wildflower mix and landscaping features of value to invertebrates, especially pollinators.

Creating space for nature design principle	Core requirements
Artificial lighting, including floodlighting, should avoid spill on to 'dark corridors' such as hedgerow networks, railway embankments, waterways, parkland, woodland edge habitat or trees and buildings supporting bats or owls. **Why?** Artificial lighting affects bats and owls. Lighting in the vicinity of a bat roost causes disturbance and potential abandonment of the roost.	• A lighting design plan will need to be submitted and should include the specification, number, orientation, dimming and control (timing, sensing) arrangement for each luminaire and a lux contour plan if appropriate. • Guidance on lighting is available from the Bat Conservation Trust.
Create underpasses and green bridges to enable wildlife to span roads otherwise presenting a barrier to free movement. **Why?** To enable wildlife to safely cross roads and avoid becoming isolated. Install dual-purpose street furniture. Seating, cycle racks etc can also include planters. **Why?** The design of street furniture and bin stores can contribute to landscape character, reduce clutter of an area of street and act as a small park/ green corridor to the wider landscape scale green infrastructure network and enhance biodiversity.	• Plant with a variety of local trees or shrubs and other vegetation. • Take opportunities to connect habitats.
Brownfield sites of high biodiversity value must be recognised with a presumption in favour of protection of such sites. **Why?** Brownfield sites can have high ecological value but can be overlooked.	• Applicants need to understand and consider the ecological value of brownfield sites.
Make new homeowners aware of the wildlife within and nearby the development site. **Why?** Making new and prospective homeowners aware of the wildlife they might find on a development will help generate interest and make householders aware of the uniqueness and sensitivity of the area. It can be used to help market the new homes.	• Produce leaflets or digital information for householders making them aware of the biodiversity features of the development. • Include interpretation signs at appropriate locations.

These design principles set out the Council's expectations. The core requirements list some of the requirements, but full requirements/ details are not included in the table, above. Applicants should discuss the principles in this SPD with an ecologist at an early stage to ensure the principles are fully understood and integrated into the design of the development.

Chapter 7: Householder applications

All development proposals, even householder applications, can benefit nature, and benefit from nature through integrating and creating space for nature into design and layouts. The State of Nature 2019 recognises that there is enormous potential for engaging people to take action in their own gardens and the Essex Local Nature Partnership has a target of 1 in 4 people in Essex taking action for Nature Recovery, which is a target adopted from the Essex Wildlife Trust.

Some examples of ways a householder application can create space for biodiversity are:

- Provide bird and bat boxes and bricks
- Put up a bird feeder
- Include a bee or bug hotel in your garden
- Leave an area of your garden to grow wild. Leaving grasses and wildflowers to grow provides shelter and food for insects and small mammals.
- Plant wildflowers
- Create insect habitats
- Add a hole in your garden fence to contribute to a hedgehog highway
- Create a pond
- Grasscrete driveways
- Plant native trees, shrubs, and flowers
- Green roofs and walls

Naturehood provides lots of step-by-step guides, information and inspiration for positive actions people can take to support wildlife in their gardens.

Chapter 8: Planning application expectations

The Council expects applicants to demonstrate how the creating space for nature design principles have been incorporated into the design of the development proposal. Where relevant, compliance with the principles set out in this SPD should be shown on the Landscaping Plan, e.g. the location of bat and bird boxes. The Council expects that a section should be included in the Design and Access Statement detailing the biodiversity enhancement measures and details of how these will be managed and maintained long-term.

In order to validate all major applications, the Council requires submission of the latest Defra Biodiversity Metric. The Defra metric calculator supporting this metric output will also need to be submitted to allow an understanding of the habitats being lost and gained. Please see the Natural England website for the latest Defra Metric Calculator Tool and its User Guide Ecology surveys. Where a Biodiversity Net Gain assessment has been started with a previous version of the metric, the same metric should be used across all elements / stages of a project.

Independent ecological surveys, carried out by suitably qualified experts and carried out within the last 12 months, will be required where a Preliminary Ecological Appraisal or Extended Phase 1 Habitat survey recommend species specific surveys. Ecological surveys must be submitted with the application and follow best practice and guidance.

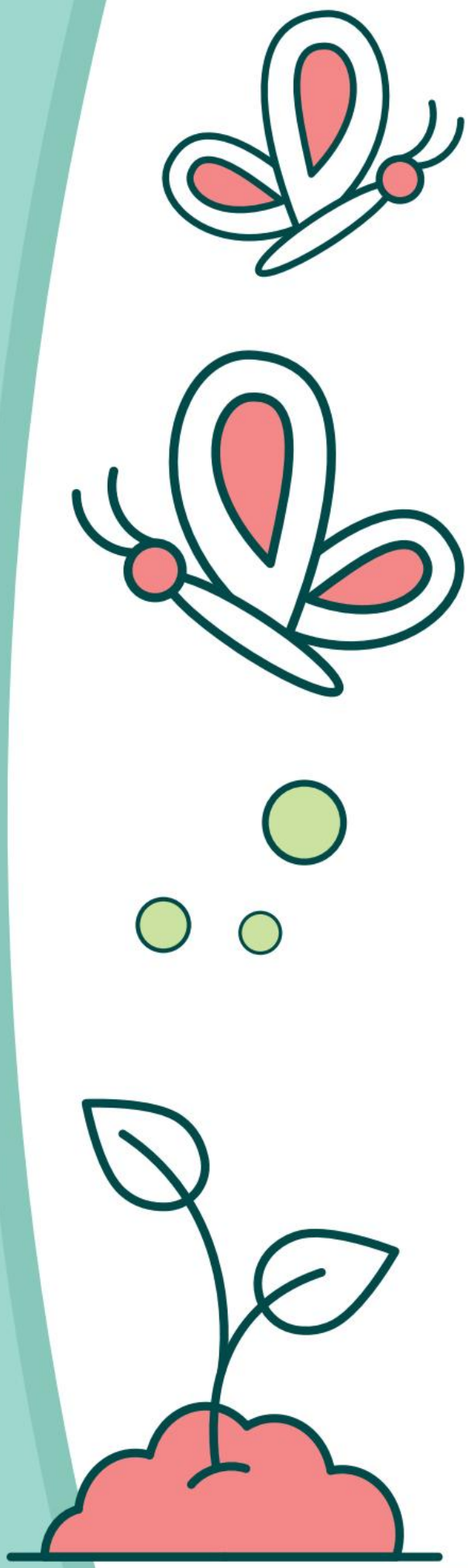
If there is a need for mitigation, or as a last resort compensation, a mitigation strategy must be submitted with the application, which complies with Natural England's Biodiversity mitigation plan checklist. The mitigation strategy must show how the mitigation measures will be managed and maintained over a 30-year period. unless a shorter time period is agreed as appropriate.

A Construction Environment Management Plan should be required by condition. It should include details of all necessary ecological mitigation measures, including protection of retained habitats and requirements for ecological supervision during works on site using a suitably experienced Ecological Clerk of Works.

Where habitats are retained and created within the site boundary, their protection during the construction process and their long-term management will be secured via conditions of any consent. This should require relevant details to be provided within a Landscape and Ecological Management Plan, either at submission or secured by condition. This type of planning condition will need details of all ecological mitigation measures and should be illustrated together with other landscape measures and there should be no conflict between objectives.

All management plans should include appropriate monitoring to ensure effectiveness and should include a process for remediation and review for any measures that have not been effective.

Applicants must submit the Climate Emergency Checklist in support of their application. This Checklist covers the issues included in this SPD, the Active Travel SPD and the Climate Change SPD. It is a means for applicants, DM Officers, and Planning Committee Members to understand the measures that have been incorporated into a development proposal to address the climate and ecological emergency and ensure compliance with the three Climate Emergency SPDs and the policies they build upon and to demonstrate that the climate and ecological emergency has been considered.



Chapter 9: Conclusion

We are in a climate and ecological emergency and the time to act is now. All development proposals should strive to achieve ambitious carbon reductions, biodiversity enhancement and promotion of active travel to contribute towards Colchester becoming a greener city that is resilient to the climate and ecological emergency. The Council is committed to firm action, from setting an ambitious target to be carbon neutral by 2030 to driving forward a significant programme of environmental stewardship to sustain and enhance biodiversity and invest in cleaner, greener, renewable energy project.

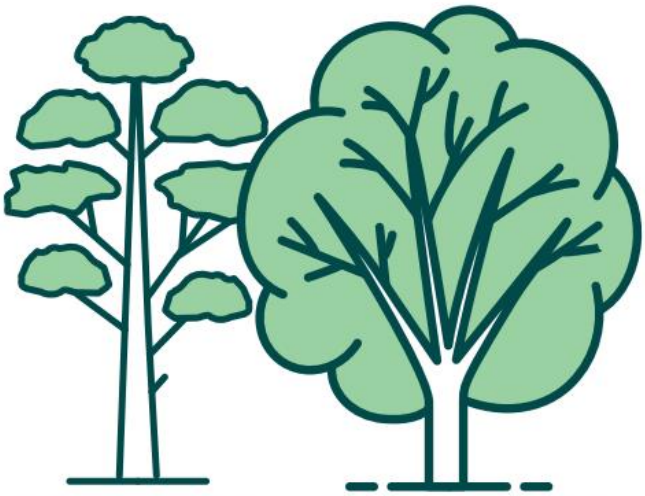
The UK governments 25 Year Plan and Environment Act 2021 show the direction we are headed nationally in terms of driving nature's recovery and providing wider environmental benefits. Colchester City Council will lead the way in supporting nature's recovery, biodiversity enhancement and biodiversity net gain through the principles in this SPD and through the policy requirement for measurable biodiversity net gain of at least 10% now – ahead of the national mandatory requirement.

Specialist ecological advice from a suitably qualified expert should be sought at the earliest stage in terms of assessing and collating the scope of biodiversity information required to support an application and how to incorporate biodiversity enhancement and biodiversity net gain into development proposals.

Colchester's natural environment is extremely diverse and important. The Council encourages applicants to maximise opportunities for the provision and connection of green-blue infrastructure, including wildlife corridors, and the incorporation of the biodiversity design principles.

All development proposals must follow the mitigation hierarchy. Adequate information about species, habitats, and geological features, through independent ecological surveys carried out by suitably qualified experts, must be provided by applicants when submitting planning applications. The Council will take a precautionary approach when deciding on the level of information required.

To create space for nature, the design principles set out in this SPD should be included in all development proposals. These design principles will ensure that beneficial biodiversity conservation features are incorporated into development and opportunities for the preservation, restoration, enhancement, and connection of natural habitats are maximised, in accordance with Policy ENV1 of the Colchester Local Plan. These design principles will also result in high quality design that has positive outcomes on health and wellbeing.



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Appendix 1. Ecological Survey Seasons

The table, below, sets out the optimal survey times for each species.

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC
Badgers												
Badgers (bait marking surveys to establish territories)												
Bats (hibernation roosts)												
Bats (summer roosts)												
Bats (foraging/ commuting)												
Birds (breeding)												
Birds (overwintering)												
Dormice												
Great crested newts												
Invertebrates												
Otters												
Reptiles												
Water voles												
White clawed crayfish												

The shading indicates the optimal survey time