



Hartest Neighbourhood Plan 2024 - 2037

**Strategic Environmental Assessment
and
Habitat Regulation Assessment
Determination Notices**

December 2024

Table of Contents

	Page
Overview	2
Part A - Strategic Environmental Assessment Determination	
1. Introduction	3
2. Legislative background	3
3. Criteria for determining likely significant effects	3
4. Assessment	4
5. SEA Screening Conclusion	4
6. SEA Determination	5
Part B – Habitats Regulation Assessment Determination	6
1. Introduction	6
2. Legislative background	6
3. Assessment	7
4. HRA Screening Conclusion	7
5. HRA Determination	7
Appendix 1: Responses from Statutory Consultees	8
Response from Historic England	8
Response from Environment Agency	9
Response from Natural England	11

HARTEST NEIGHBOURHOOD PLAN (October 2024)

Strategic Environmental Assessment & Habitat Regulation Assessment Screening Determination Notices (December 2024)

Overview

This report, which is divided into two parts, relates to the Regulation 14 Pre-submission draft version of the Hartest Neighbourhood Plan 2024 - 2037 [the 'Hartest NP'] which was published for consultation in October 2024. A copy of this was made available for screening purposes at the same time.

The purpose of this document is to determine whether a Strategic Environmental Assessment (SEA) and or an Appropriate Assessment in relation to Habitat Regulation Assessment (HRA) matters are required. Part A addresses SEA matters. Part B addresses HRA matters.

The report also refers to:

- the SEA and HRA Screening Reports prepared on behalf of the district council by Land Use Consultants, which can be found online at:

<https://www.babergh.gov.uk/documents/d/babergh/hartest-np-sea-screening-report-oct24>

<https://www.babergh.gov.uk/documents/d/babergh/hartest-np-hra-screening-report-oct24>

- and the screening consultation responses from the statutory bodies reproduced in Appendix 1.

The Hartest NP contains the following vision, which feeds into eight objectives:

“The parish of Hartest will: continue to be a thriving and inclusive community; and [will] retain the unique and special character of the built and natural environment.”

The vision and objectives are then translated into sixteen policies (HAR 1 to HAR 16). The plan does not allocate any sites for new housing or other built development but does state (Policy HAR 1) that *“the neighbourhood plan area will accommodate development commensurate with [the] Babergh and Mid Suffolk Joint Local Plan”* and that *“the focus for new development will be within the settlement boundary where the principle of development is accepted”*.

The remaining policies address a range of topics including housing mix and design, residential parking standards, biodiversity, local green spaces, locally designated heritage assets, design principles, and light pollution.

Part A - Strategic Environmental Assessment Determination

1. Introduction

One of the basic conditions that all neighbourhood plans will be tested against by the independent examiner is whether the making of that Plan is compatible with European Union obligations, as incorporated into UK law. Whether a neighbourhood plan requires a SEA and the level of detail needed will depend on what is proposed in the draft Neighbourhood Plan and the characteristics of the local area.

2. Legislative Background

European Union Directive 2001/42/EC (the SEA Directive), transposed into UK law through the SEA Regulations, requires a Strategic Environmental Assessment to be undertaken for certain types of plans or programmes that would have a significant environmental effect. The Environmental Assessment of Plans & Programmes Regulations 2004 (the Regulations) require that this is determined by a screening process, which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be set out in a SEA Screening Statement, which must be publicly available.

In accordance with Regulation 9 of the SEA Regulations 2004, Hartest Parish Council (the qualifying body) asked Babergh District Council (BDC) (the responsible authority) to determine whether an environmental report on their revised pre-submission draft neighbourhood plan was required due to significant environmental effects. In making this determination, BDC have had regard to Schedule 1 of the Regulations.

In line with the advice contained within the National Planning Policy Framework (NPPF) and Planning Practice Guidance, the Plan's potential scope has been assessed against the criteria set out in Schedule 1 of the 2004 Environmental Assessment Regulations. As mentioned already, Land Use Consultants (LUC) were commissioned to prepare a screening report to assess whether SEA would be required.

SEA can be required in some limited situations where a sustainability appraisal is not needed. Neighbourhood Planning is one of these situations. Sustainability Appraisals (SAs) may incorporate the requirements of the Strategic Environmental Assessment Regulations, which implement the requirements of the 'Strategic Environmental Assessment Directive' on the assessment of the effects of certain plans and programmes on the environment.

A Sustainability Appraisal ensures that potential environmental effects are given full consideration alongside social and economic issues, and it is good practice to do one to understand how a plan is to deliver sustainable development. However, NPPF Planning Practice Guidance states that there is no legal requirement for a neighbourhood plan to undertake a Sustainability Appraisal as set out in Section 19 of the Planning and Compulsory Purchase Act 2004. It is down to the qualifying body to demonstrate whether the plan is likely to have significant environmental effects. This is the purpose of the SEA Screening Report.

3. Criteria for determining likely significance of effects

The criteria are set out in the following table:

1. The characteristics of plans and programmes, having regard, in particular, to:
 - a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
 - b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy
 - c) (the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - d) environmental problems relevant to the plan or programme,
 - e) the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:
 - a) the probability, duration, frequency and reversibility of the effects,
 - b) the cumulative nature of the effects,
 - c) the trans-boundary nature of the effects,
 - d) the risks to human health or the environment (e.g. due to accidents),
 - e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - f) the value and vulnerability of the area likely to be affected due to:
 - i) special natural characteristics or cultural heritage,
 - ii) exceeded environmental quality standards or limit values,
 - iii) intensive land-use,
 - g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

[Source: Schedule 1 of Environmental Assessment of Plans & Programmes Regulations 2004]

4. Assessment

The neighbourhood plan vision, and a summary of its policies are set out in the Overview. A full assessment of the likely effects of the Plan are set out in the relevant screening report.

5. SEA Screening Conclusion

The LUC Screening Report concludes that the Hartest NP “... *does not directly impact on land use through the allocation of sites for housing or other forms of development.*” and that on this basis, “*the Plan is unlikely to have significant environmental effects and full SEA is therefore not required.*”

Consultation on the SEA Screening Report was carried out with the Environment Agency (EA), Historic England (HE), and Natural England (NE). Written responses were received from the EA and from HE. An automated response only was received from NE. All are set out in Appendix 1.

- HE concluded that, on the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of ‘SEA’ Directive], that the preparation of a Strategic Environmental Assessment is not required.
- The EA response offers general advice on matters that fall within their remit. It does not specifically say that they disagree with the findings of the screening report.

- Natural England's automated response sets out general advice on matters that fall within their remit.

6. SEA Determination

In light of the SEA Screening Report (October 2024) prepared by LUC and having also considered the responses to this from the statutory consultees, it is our determination that the Hartest Neighbourhood Plan 2024 - 2037 (October 2024) '**does not require**' a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.

Part B – Habitats Regulations Determination

1. Introduction

It is a requirement of European Law that a plan or project is subject to an assessment to determine whether it is likely to have a significant effect on the integrity of any 'European Site' in terms of impacting on the site's conservation objectives.

Submitted neighbourhood plans need to be accompanied by a statement to explain how the proposed Plan meets the 'basic conditions' set out in Schedule 4B of the 1990 Town and Country Planning Act. These include a requirement to demonstrate how the Plan is compatible with EU obligations, which includes the need to undertake a Habitats Regulations Assessment (HRA). This is one of the matters that will be tested at the independent examination.

The assessment itself and the level of detail needed will depend on what is proposed in the draft Neighbourhood Plan and the potential impacts on Habitats Sites designated for their nature conservation interest.

This notice therefore determines whether an Appropriate Assessment under the UK Conservation of Habitats and Species Regulations 2017, which enacts the Habitats Directive¹, is required for the Hartest NP.

2. Legislative Background

One of the basic conditions that neighbourhood plans must meet is that:

"The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017"

The Conservation of Habitats and Species Regulations 2017 include regulations on the assessment of plans (including neighbourhood plans) and projects on a Habitats Site (European Site or a European offshore marine site). The first stage is to screen the plan to see whether it is likely to have a significant effect on any Habitats sites. If the plan is 'screened-in' because likely significant effects cannot be ruled out, the next stage is for an Appropriate Assessment to be carried out considering the impact on the Habitats site's conservation objectives. Consent for the Plan can only be given if it is 'screened-out' at the first stage, or the Appropriate Assessment concludes the integrity of the Habitats site will not be adversely affected.

Case law is also relevant, including most notably the 'People over Wind' and 'Holohan' rulings. The 'People Over Wind, Peter Sweetman v Collie Teoranta' judgement ruled that it is not permissible to take account of measures intended to reduce or avoid any harmful effects of a plan or project on a European Site at the screening stage. Any mitigation measures can now only be considered at the appropriate assessment stage. The 'Holohan and Others v An Bord Pleanála' judgement also imposes more detailed requirements on the competent authority for any plans or projects at the Appropriate Assessment stage, including, but not limited to cataloguing the entirety of habitat types and species for which a site is protected and being beyond reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.

¹ Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>.

3. Assessment

In determining whether a proposed development plan or programme is likely to have significant effects, the local authority must incorporate the 'precautionary principle' into its decision. This means that if there is uncertainty as to whether the plan or programme would cause significant effects on a Habitats Site, the full Appropriate Assessment would be required.

The neighbourhood plan vision, and a summary of its policies are set out in the Overview. A full assessment of the likely effects of the Plan are set out in the relevant screening report. The screening has also been prepared in accordance with the relevant CJEU judgements.

Two European sites; the Breckland Special Area of Conservation and the Breckland Special Protection Area, were identified as lying within 20km of the designated Plan Area.

4. HRA Screening Conclusion

The Screening Report concludes that:

'... no likely significant effects are predicted on European sites as a result of the Hartest NP, either alone or in combination with other policies and proposals'

and, therefore, that

'an Appropriate Assessment is not required for the Hartest NP as none of the policies will result directly in development and likely significant effects from the plan can therefore be ruled out.'

Consultation on the HRA Screening Report was carried out with the Environment Agency (EA) and Natural England (NE).

- The EA response offers general advice on matters that fall within their remit. It does not specifically say that they disagree with the findings of the screening report.
- Natural England's automated response sets out general advice on matters that fall within their remit.

5. HRA Determination

In light of the HRA Screening Report (October 2024) prepared by LUC and having considered the responses to this from the statutory consultees, it is our determination that the Hartest Neighbourhood Plan 2024 - 2037 is '**screened out**' from further assessment under the Habitats Regulations 2017 and that an Appropriate Assessment is not required.

Appendix 1

Historic England response

By e-mail dated 12 November 2024
Re: Hartest NP SEA Screening Opinion
Our ref: PL00390902



Historic England

Dear Paul,

Thank you for inviting Historic England to comment on this consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. Therefore we welcome this opportunity to review the Screening Report for this plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the Hartest Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

The Screening Report indicates that the Council considers that the plan will not have any significant effects on the historic environment. We note that the plan does not propose to allocate any sites for development.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.

The views of the other two statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

We should like to stress that this opinion is based on the information provided by you with your correspondence. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

Please do contact me, either via email or the number below, if you have any queries.

Ross McGivern (he/him)
Historic Places Adviser
East of England Region | Partnerships Team
Historic England | Brooklands | 24 Brooklands Avenue | Cambridge | CB2 8BU



Paul Bryant
Babergh District Council
Endeavour House Russell Road Ipswich
Suffolk IP1 2BX

Our ref: AE/2024/129963/01-L01
Your ref: Hartest SEA Screening
Date: 18 November 2024

Dear Paul

HARTEST NP SEA & HRA SCREENING REPORTS

BABERGH DC ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH IP1 2BX

Thank you for consulting us on the Strategic Environmental Assessment (SEA) Screening Report for the Hartest Neighbourhood Plan.

For the purposes of neighbourhood planning, we have assessed those authorities who have “up to date” local plans (plans adopted within the previous 5 years) as being of lower risk, and those authorities who have older plans (adopted more than 5 years ago) as being at greater risk. We aim to reduce flood risk and protect and enhance the water environment, and with consideration to the key environmental constraints within our remit, we have then tailored our approach to reviewing each neighbourhood plan accordingly.

A key principle of the planning system is to promote sustainable development. Sustainable development meets our needs for housing, employment and recreation while protecting the environment. It ensures that the right development, is built in the right place at the right time. To assist in the preparation of any document towards achieving sustainable development we have identified the key environmental issues within our remit that are relevant to this area and provide guidance on any actions you need to undertake. We also provide hyperlinks to where you can obtain further information and advice to help support your neighbourhood plan.

Environmental Constraints

We have identified that the Neighbourhood Plan Area will be affected by the following environmental constraints:

Flood Risk

Based on a review of environmental constraints for which we are a statutory consultee, we find that there are areas of fluvial flood risk and watercourses within the neighbourhood plan area along a tributary of the River Glem.

On the basis that future development is steered away from the sensitive aspects of the environment highlighted, we do not consider there to be potential significant environmental effects relating to these environmental constraints. Nevertheless, we recommend the inclusion of relevant policies to cover the management of flood risk. Allocation of any sites and any windfall development delivered through the Plan period should follow the sequential approach. [National Planning Policy Framework](#) (NPPF) paragraph 167 sets this out.

Water Resources

Being in one of the driest areas of the country, our environment has come under significant pressure from potable water demand. New developments should make a significant contribution towards reducing water demand and mitigate against the risk of deterioration to our rivers, groundwater and habitats from groundwater abstraction. We recommend you check the capacity of available water supplies with the water company, in line with the emerging 2024 Water Resources Management Plan which is due to be published in 2023. The Local Planning Authorities Water Cycle Study and Local Plan may indicate constraints in water supply and provide recommendations for phasing of development to tie in with new alternative strategic supplies.

New development should as a minimum meet the highest levels of water efficiency standards, as per the policies in the adopted Local Plan. In most cases development will be expected to achieve 110 litres per person per day as set out in the Building Regulations &c. (Amendment) Regulations 2015. However, a higher standard of water efficiency (e.g. 85 l/p/d) should be considered, looking at all options including rainwater harvesting and greywater systems. Using the water efficiency calculator in Part G of the Building Regulations enables you to calculate the devices and fittings required to ensure a home is built to the right specifications to meet the 110 l/p/d requirement. We recommend all new non-residential development of 1000sqm gross floor area or more should meet the BREEAM 'excellent' standards for water consumption.

Developments that require their own abstraction where it will exceed 20 cubic metres per day from a surface water source (river, stream) or from underground strata (via borehole or well) will require an abstraction licence under the terms of the Water Resources Act 1991. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights. The relevant abstraction licencing strategy for your area provides information on water availability and licencing policy at Abstraction licencing strategies (CAMS process) - GOV.UK (www.gov.uk).

Contaminated Land

For land that may have been affected by contamination as a result of its previous use or that of the surrounding land, sufficient information should be provided with any planning application to satisfy the requirements of the NPPF for dealing with land contamination. This should take the form of a Preliminary Risk Assessment (including a desk study, conceptual model and initial assessment of risk), and

provide assurance that the risk to the water environment is fully understood and can be addressed through appropriate measures. This is because Hartest Neighbourhood Plan Area is a source protection zone 1, 2 and 3 as well as on a principal Aquifer. For any planning application the prior use should be checked to ensure there is no risk of contamination.

Source Protection Zones

Your plan includes areas which are located on Source Protection Zones 1, 2 and 3. These should be considered within your plan if growth or development is proposed here. The relevance of the designation and the potential implication upon development proposals should be considered with reference to our Groundwater Protection guidance: <https://www.gov.uk/government/collections/groundwater-protection>

Biodiversity Net Gain

We encourage you to seek ways in which your neighbourhood plan can improve the local environment. Identifying sites for the delivery of [Biodiversity Net Gain](#) could lead to habitat improvements in your area. Biodiversity Net Gain is a system that delivers habitat improvements on any local sites including [Local Wildlife Sites](#) to ensure that there is no loss of habitats from new development. Identifying areas that could benefit from management for conservation within your area could enable habitat to be created closer to development sites in your plan area, providing local ecological enhancement.

Informatives

We encourage you to seek ways in which your neighbourhood plan can improve the local environment. For your information, together with Natural England, Historic England and Forestry Commission, we have published joint guidance on neighbourhood planning, which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at: [How to consider the environment in Neighbourhood plans - Locality Neighbourhood Planning](#)

We trust this advice is useful.

Yours sincerely

Mr Andrew Thornton
Planning Advisor

Team e-mail: Planning.EastAnglia@environment-agency.gov.uk

Natural England response

Natural England - automated response email

Received: Wed 30 October 2024

Dear Sir or Madam

We will action your request as follows:

- *For consultations on Development Plans, we will respond within 6 weeks from the receipt of your email.*

If this is a Development Management consultation that is not a Nationally Significant Infrastructure Project (NSIP), EIA development, Minerals and Waste development, development affecting over 20ha of Best and Most Versatile agricultural land or does not trigger an Impact Risk Zone (IRZ), there is no requirement to consult us and you will not receive a further response.

Please refer to our general advice in the Annex below

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the proposals are not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not the proposals are consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of sites and the impacts of development proposals to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We strongly recommend that local planning authorities (LPAs) use Natural England's Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs) (available from the [Natural England Open Data Geoportal \(arcgis.com\)](#) and to use on [MAGIC \(defra.gov.uk\)](#) along with guidance) to decide when to consult Natural England on development proposals that might affect a SSSI.

The SSSI IRZs tool is quick and simple to use and gives instant planning advice as a formal consultation response in certain locations for some development types. Use of the SSSI IRZs avoids the need for a formal email consultation on some development proposals, saving time during the planning process, and helps to reduce the demand on Natural England, enabling more focus on those development proposals with the highest risk to and opportunity for nature recovery.

... <https://www.gov.uk/guidance/consulting-on-neighbourhood-plans-and-development-orders> provides further guidance on when LPAs must consult Natural England on development proposals.

This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within the Natural England systems, we can accept no responsibility once it has left our systems. Communications on Natural England systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

* * * *

Annex A – Natural England general advice

Protected Landscapes

Paragraph 182 of the [National Planning Policy Framework](#) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. [Section 245](#) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance

Biodiversity duty

The local planning authority has a [duty](#) to conserve and enhance biodiversity as part of its decision making. Further information is available [here](#).

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on '[appropriate assessments](#)'. Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via [Impact Risk Zones](#) or as standard or bespoke consultation responses.

Protected Species

Natural England has produced [standing advice](#) to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species [licence](#) may be required in certain cases.

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geo-conservation groups or recording societies. Emerging [Local Nature Recovery Strategies](#) may also provide further useful information.

Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on [Gov.uk](#).

Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the [NPPF glossary](#)) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

Further information on biodiversity net gain, including [draft Planning Practice Guidance](#), can be found [here](#).

The statutory [Biodiversity Metric](#) should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites, the [Small Sites Metric](#) may be used. This is a simplified version of the [Biodiversity Metric](#) and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the [Biodiversity Metric](#) and is available as a beta test version.

Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government [Planning Practice Guidance for the natural environment](#).

Ancient woodland, ancient and veteran trees

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Further information is contained in [GOV.UK guidance](#) Agricultural Land Classification information is available on the [Magic](#) website and the [Data.Gov.uk](#) website

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site

Green Infrastructure

Natural England's [Green Infrastructure Framework](#) provides evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the [15 Green Infrastructure Principles](#). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 104 and 180 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Further information is set out in Planning Practice Guidance on the [natural environment](#)

[Ends]