

Commonly used planning conditions in relation to ecology and landscape matters



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Introduction

Set out within this document are planning conditions which are commonly used in relation to ecology and landscape matters. They are provided to assist applicants, agents and planning officers in the preparation and management of planning applications. Where possible number subsections are used to add clarity as to what factors or information the condition is to address. Depending on the specific details of a development proposal different levels of detail are likely to be required to meet the condition requirements. Its important to note that:

- They will be subject to change and updating
- They may be changed or varied dependant on the specific circumstances of a planning application
- They are most commonly used planning conditions, they are not the only planning conditions, in respect of Landscape and ecology matters that may be applied to an application.

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Ref	Conditions	Reasons	Notes
AC 06 & DC 01	<p>Landscaping *</p> <p><i>Notwithstanding the submitted details, prior to above ground works</i> a scheme for hard and soft landscaping of the site (incorporating existing flora) and including the means of enclosure and the materials to be used for hard surfacing, shall be submitted to and approved by the Local Planning Authority. The scheme shall include, but not be limited to:</p> <ul style="list-style-type: none"> i. A plan showing existing vegetation to be retained and safeguarded during construction which shall be consistent with any Construction Management Plan. ii. A plan showing areas to be managed as public open space including a final state topography plan, where appropriate. iii. <i>A landscaping implementation phasing plan, where appropriate.</i> iv. Detailed planting / sowing specifications including species, size, density spacing, cultivation protection (fencing, staking, guards) and methods of weed control v. Details of surfacing, boundary treatments and landscaping structures including design, location, size, colour, materials and openings. <p>Development shall be carried out in accordance with the approved scheme and in accordance with the landscape implementation phasing plan. If at any time in the five years following planting any tree, shrub or hedge shall for any reason die, be removed or felled it shall be replaced with another tree, shrub or hedge of the same species during the next planting season to the satisfaction of the Local Planning Authority.</p>	<p>Reasons: In accordance with the principles of good design and the incorporation of biodiversity in and around developments as required in the NPPF Chapter 12 & 15, Policies CSP1 & CSP2 of the Core Strategy, AP1, AP4 AP7 & AP8 of the Allocations Plan.</p>	<p>Further guidance http://www.fdean.gov.uk/residents/planning-building/planning-policy/local-plan-new/landscape-character/</p>

<p>DC 17</p>	<p>Construction Ecological Management Plan (CEcMP) <i>Notwithstanding the submitted details, no works shall take place</i> (including demolition, ground works, vegetation clearance) clearance) until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP shall include, but not limited to the following :</p> <ul style="list-style-type: none"> i. Risk assessment of potentially damaging construction activities ii. Identification of “biodiversity protection zones” iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) iv. The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset) v. The times during construction when ecological or environmental specialists need to be present on site to oversee works vi. Responsible persons and lines of communication vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person viii. Use of protective fences, exclusion barriers and warning signs ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works <p>The approved CEcMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.</p>	<p>Reasons: Insufficient Information has been submitted to adequately demonstrate biodiversity is safeguarded as required by <i>the Conservation of Habitats and Species Regulations 2017</i>, the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, NPPF Chapter 15 (Paragraphs 170, 174, 180), Circular 06/2005, Polices CSP 1 of the Core Strategy and AP1, AP7 and AP8 of the Allocations Plan.</p>	
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<p>DC 05 & DC 16</p>	<p>Landscape Ecological Management Plan</p> <p><i>Notwithstanding the submitted details, prior to above ground works</i> a Landscape and Ecological Management Plan (LEcMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEcMP shall include, but not limited to the following :.</p> <ul style="list-style-type: none"> a) Description and evaluation of features to be managed. b) Ecological trends and constraints on site that might influence management. c) Aims and objectives of management including those in relation to dormice and bats. d) Appropriate management options for achieving aims and objectives including appropriate enhancement measures. e) Prescriptions for management actions. f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period). g) Details of the body or organisation responsible for implementation of the plan. h) Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer. i) Ongoing monitoring and remedial measures. <p>The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEcMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.</p>	<p>Reasons To safeguard Biodiversity as set out by Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, NPPF Chapters 12 & 15 particularly, Policies CSP 1 & CSP2 of the Core Strategy, AP1, AP7 and AP8 of the Allocations Plan.</p>	
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Lighting strategy

Notwithstanding the submitted details, prior to above ground works

details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include, but not limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas
- ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
- iii. A description of the luminosity of lights and their light colour
- iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings.
- v. Methods to control lighting control (e.g timer operation, passive infrared sensor (PIR)).

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

Reasons: To safeguard rural character from increased light pollution, visual amenity (CSP1) and maintain the existing value of biodiversity on and adjacent to the site to protect *foraging/commuting bats^ in accordance with the Conservation of Habitats and Species Regulations 2017*, the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular section 15), NPPF chapters 12 and 15 (particularly paras 127, and 180. Policies CSP1 & CSP2 of the Core Strategy and AP1, AP7 and AP8 of the Allocations Plan.

See Institute of Lighting Professionals and bat Conservation Trust Guidance:

<https://www.theilp.org.uk/news/ilp-and-bat-con-trust-launch-latest-guide-on-bats-lighting/>

CPRE Nightblight Report

https://www.nightblight.cpre.org.uk/images/resources/Night_Blight_cpre.pdf? ga=2.28091963.628389245.1541518884-2064940169.1541518884

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Biodiversity Enhancement

Notwithstanding the submitted details, prior to above ground works a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting feature(s) and or nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
- ii. Materials and construction to ensure long lifespan of the feature/measure
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- iv. When the features or measures will be installed and made available.

Reason: To provide net gains for biodiversity in accordance with Section 40 of the NERC Act 2006, NPPF Chapter 15 in, particular paragraphs 170 & 174, is clear that in pursuing sustainable development a core principle for planning is achieving net gains for biodiversity. The Governments 25 year Environment Plan, Policies CSP1 & CSP2 of the Core Strategy and , AP1, AP7 and AP8 of the Allocations Plan.

(note: In order to avoid the need for a condition applicants are encouraged to provide details of incorporated permanent features for nesting birds and/or roosting bats within planning applications. For minor and householder applications the following may be of assistance. However enhancement should be tailored on a case by case basis dependant on the individual characteristics of a site and development proposal.

[http://www.swift-conservation.org/Installing%20Swift%20Nest%20Boxes%202013%20\(small\).pdf](http://www.swift-conservation.org/Installing%20Swift%20Nest%20Boxes%202013%20(small).pdf)

<https://www.dorsetforyou.gov.uk/planning-buildings-land/planning-policy/purbeck/guidance-and-supplementary-planning-documents/pdfs/supporting-technical-guidance-bats-and-birds.pdf>

<p>DC 14</p>	<p>Reptiles Site clearance and construction shall be carried out in accordance with Forest of Dean District Council's Precautionary method of working for common reptiles (16th May 2012).</p>	<p>FoDDC</p> <p>Reasons To safeguard Biodiversity as set out by the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, NPPF Chapter 15 (Paragraphs 170, 174, 180), Circular 06/2005, CSP 1 AP1, AP7 and AP8.</p>	<p>https://www.fdean.gov.uk/media/3289/precautionary-method-of-working-for-reptiles.pdf</p>
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DC 09	<p>Tree Protection (implementation) Tree(s) X shown on Plan X shall be protected during construction of the approved development in accordance with section 6.2 of BS5837:2012. Protective fencing shall remain in situ until completion of the development.</p>	<p>Reasons: In order to safeguard important, visually attractive and effect landscape features in the interests of visual amenity, in accordance with NPPF Chapter 12, Policies CSP1 of the Core Strategy and AP1 and AP4 of the Allocations Plan.</p>	
DC 13	<p>Arboricultural Method Statements</p> <p><i>Notwithstanding the submitted details, no works shall take place</i> (including demolition, ground works, vegetation clearance) until an arboricultural method statement has been submitted to and approved by the Local Planning Authority. The method statement shall include, but not be limited to:</p> <ul style="list-style-type: none"> i) Removal of existing structures and hard surfacing ii) Installation of temporary protection barriers and ground protection iii) Excavations and the requirement for specialized trenchless techniques iv) Installation of new (no dig) hard surfacing – materials, design constraints and implications for new levels v) Specialist foundations – installation techniques and effect on finished floor levels and overall height vi) Preparatory works for new landscaping vii) Site monitoring, including a schedule of specific site events requiring input or supervision viii) Tree protection plan <p>Works shall be carried out in accordance with the approved scheme.</p>	<p>Reasons: Insufficient information has been submitted to demonstrate that important, visually attractive and effect landscape features will be safeguarded and in the interests of visual amenity in accordance with NPPF Chapter 12, Policies CSP1 of the Core Strategy and AP1 and AP4 of the Allocations Plan.</p>	
DC	<p>Woodland Management Plan</p>	<p>Reasons: Required to ensure</p>	

18	<p><i>Notwithstanding the submitted details, prior to completion or first occupation of the development hereby approved, whichever is the sooner;</i> a woodland management plan shall be submitted to, and approved in writing by, the Local Planning Authority. The management plan should be prepared by a qualified and experienced forestry or arboricultural consultant and shall include, but not be limited to:</p> <ul style="list-style-type: none"> a. Statement of the overall design vision for the woodland and for individual trees retained as part of the development – including amenity classification, nature conservation value and accessibility. b. Type and frequency of management operations to achieve and sustain canopy, understorey and ground cover, and to provide reinstatement including planting where tree loss or vandalism occurs. c. Frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas d. Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010). e. Special measures relating to Protected Species or habitats, e.g. intensive operations to avoid March - June nesting season or flowering period. f. Inspection for pests, vermin and diseases and proposed remedial measures. g. Recommendations relating to how trees within the immediate vicinity of properties or within private areas are to be protected, such that these are retained without the loss of their canopy or value as habitat. h. Confirmation of cyclical management plan assessments and 	<p>that woodland areas are satisfactorily safeguarded, managed and maintained in the long term /in perpetuity in the interest of nature conservation and the visual amenity of the area and to accord with NPPF Chapter 12, Policies CSP1 of the Core Strategy and AP1 and AP4 of the Allocations Plan.</p>	
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	<p>revisions to evaluate the plan's success and identification of any proposed actions.</p> <p>The development thereafter shall be implemented in strict accordance with the approved details.</p>		
<p>DC 19</p>	<p>Tree Protection</p> <p><i>Notwithstanding the submitted details ,prior to the commencement of the development hereby approved (including demolition and all preparatory work),</i> a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.</p> <ul style="list-style-type: none"> a) The TPP and AMS and shall include, but not be limited to: b) Location and installation of services/ utilities/ drainage. c) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees. d) Details of construction within the RPA or that may impact on the retained trees. e) Full specification for the installation of boundary treatment works. f) Full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them. g) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses. h) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. i) A specification for scaffolding and ground protection within tree 	<p>Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with the NPPF Chapter 12, Policies CSP1 of the Core Strategy and AP1 and AP4 of the Allocations Plan.</p>	

	<p>protection zones.</p> <ul style="list-style-type: none"> j) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area. k) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires l) Boundary treatments within the RPA m) Methodology and detailed assessment of root pruning n) Arboricultural supervision and inspection by a suitably qualified tree specialist o) Reporting of inspection and supervision p) Methods to improve the rooting environment for retained and proposed trees and landscaping q) Veteran and ancient tree protection and management <p>The development thereafter shall be implemented in strict accordance with the approved details.</p>		
DC 20	<p>Retaining Trees No trees shown to be retained on drawing XX shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority</p>	<p>Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with the NPPF Chapter 12, Policies CSP1 of the Core Strategy and AP1 and AP4 of the Allocations Plan.</p>	

Advice notes / Informative	
NC 31	<p>General Biodiversity Legislation Informative</p> <p>Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.</p>
NC 46	<p>Protected Species Informative</p> <p>There is evidence to indicate this site supports populations of protected species (<i>Great Crested Newts, Dormice, or Reptiles</i>). These species are a protected by law. Prior to undertaking any works a European Protected Species Licence (Great Crested Newts & Dormice), administered by Natural England, will be required.</p>
NC 31	<p>Protected Species Informative (Bats)</p> <p>The application site contains a roost(s) for bats. Bats are a protected by law. Prior to undertaking any works a European Protected Species Licence, administered by Natural England, will be required.</p>
NC 32	<p>Nesting Bird informative</p> <p>The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.</p> <p>Generally trees, buildings and scrub may contain nesting birds between 1st March and 31st August inclusive. It is considered that the application site is likely to contain nesting birds between the above dates. You are advised to seek the advice of a competent ecologist prior to undertaking any works which could affect nesting birds during the period outlined above.</p>
NC 47	<p>Lighting Guidance (Bats)</p> <p>Guidance on lighting issues in relation to bats can be found in the Bat Conservation Trusts Guidance Note 08/18 <i>Bats and artificial lighting in the UK</i>.</p>