



Net Zero Teesside – Environmental Statement

Planning Inspectorate Reference: EN010103

Volume III – Appendices

Appendix 12A: Legislation and Planning Policy (Ecology)

The Infrastructure Planning (Environmental Impact Assessment) Regulations
2017 (as amended)



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Table of Contents

| | |
|---|-------|
| 12A. Legislation and Planning Policy Relevant to Ecology and Nature Conservation (Chapters 12 to 15)..... | 12-1 |
| 12.1 References | 12-19 |

Tables

| | |
|--|------|
| Table 12A-1: Summary of Relevant Legislation..... | 12-1 |
| Table 12A-2: Summary of relevant national and local planning policy and associated guidance..... | 12-7 |

12A. Legislation and Planning Policy Relevant to Ecology and Nature Conservation (Chapters 12 to 15)

Table 12A-1: Summary of Relevant Legislation

| Statute | Relevant legal requirements | Relevant to Chapter Topics | | | |
|---|---|----------------------------|----|----|----|
| | | 12 | 13 | 14 | 15 |
| The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) | <p>Consolidates the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations came into force on 30th November 2017.</p> <p>The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.</p> <p>Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.</p> <p>The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.</p> <p>The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation). Special provisions are also made as</p> | ✓ | ✓ | ✓ | ✓ |

| Statute | Relevant legal requirements | Relevant to Chapter Topics | | | |
|--|--|----------------------------|----|----|----|
| | | 12 | 13 | 14 | 15 |
| | respects general development orders, special development orders, simplified planning zones and enterprise zones. | | | | |
| The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 | <p>The Water Framework Directive (WFD; EC Directive 2000/60/EC) came into force in 2000. The WFD introduced a comprehensive river basin management planning system to protect and improve the ecological and chemical health of our rivers, lakes, estuaries, coastal waters and groundwater. At the heart of the WFD is the philosophy to “make waterbodies better” through sustainable development for the joint benefits of aquatic habitats and the human environment.</p> <p>The WFD requires members states achieve “good status” for all groundwater and surface waters (rivers, lakes, transitional waters, and coastal waters). For surface water, overall status comprises two elements: "good ecological status" and "good chemical status". Ecological status is defined by the biological condition or health of a watercourse, in combination with water quality and physical conditions that underpin biological conditions. The classification of ecological status considers biological elements (the abundance of aquatic flora and fauna), physical habitat availability (hydromorphology), and water quality factors such as the availability of nutrients, salinity, temperature and pollution by key chemical pollutants. The biological elements used as indicators of ecological quality include fish, macroinvertebrates, macrophytes and diatoms.</p> <p>Any proposed developments or activities that have the potential to affect the water environment require a WFD Assessment (WFDa). Compliance with the WFD means attainment of good ecological status, prevention of deterioration in status, and prevention of failure to achieve future attainment of good status where it is not already achieved within waterbodies. However, WFD Article 4.7 provides legislation for exemption conditions that could allow implementation of schemes that cause deterioration in ecological status, for example for reasons of overriding public interest.</p> <p>The WFD was originally transposed into UK law through the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003. The 2017 Regulations revoke and replace the 2003 Regulations. The 2017 Regulations serve the dual purpose of consolidating the 2003 Regulations, which had been amended a number of times, and making aspects of the Regulations more detailed and transparent.</p> | - | ✓ | ✓ | - |

| Statute | Relevant legal requirements | Relevant to Chapter Topics | | | |
|--|--|----------------------------|----|----|----|
| | | 12 | 13 | 14 | 15 |
| Wildlife and Countryside Act 1981 (as amended) (WCA) | <p>Part 1 of the WCA affords general protection to all species of wild bird, and specific protection to flora and fauna listed in Schedules 1 (birds protected by special penalties), 5 (other animals), and 8 (flora, fungi and lichens). It is an offence (subject to exceptions) to:</p> <ul style="list-style-type: none"> kill, injure, or take any wild bird; take, damage or destroy the nest of any wild bird while that nest is in use or being built; take or destroy an egg of any wild bird; disturb any wild bird listed on Schedule 1 of the WCA while nesting, or disturb the dependent young of such a bird (e.g. quail); kill, injure or take any wild animal listed on Schedule 5 (e.g. bats, great crested newt, common lizard); damage, destroy or obstruct places used for shelter or protection by wild animals listed on Schedule 5 and covered by Part 4A of the WCA (e.g. bats and great crested newt); intentionally disturb wild animals listed in Schedule 5, and covered by Part 4A of the WCA, that are occupying places of shelter and protection (e.g. bats and great crested newt); and pick, uproot or destroy any plant, fungi or lichen listed in Schedule 8. <p>In certain circumstances, licences can be granted to permit some actions prohibited under the WCA.</p> <p>Schedule 9 provides lists of non-native flora and fauna that it is an offence to release or cause to spread in the wild. Of primary relevance in the context of proposed developments are flora e.g. invasive non-native plant species.</p> <p>Part 2 of the WCA details the law regarding Sites of Special Scientific Interest (SSSIs) and other protected areas within Great Britain.</p> | ✓ | ✓ | ✓ | ✓ |
| The Hedgerow Regulations 1997 | Does not apply to acts of hedgerow removal covered by the process for granting planning permission. However, it retains value as part of the process for determining the relative value of specific hedgerows/ hedgerow networks and requirements for appropriate mitigation. | ✓ | - | - | - |

| Statute | Relevant legal requirements | Relevant to Chapter Topics | | | |
|--|--|----------------------------|----|----|----|
| | | 12 | 13 | 14 | 15 |
| Countryside & Rights of Way Act 2000 (CRoW) | <p>The Act places a duty on Government Departments to have regard for the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity.</p> <p>Schedule 9 of the Act amends SSSI provisions of the Wildlife and Countryside Act 1981, including provisions to change SSSIs and providing increased powers for their protection and management.</p> <p>Schedule 12 of the Act amends the species provisions of the WCA, strengthening the legal protection for threatened species. The provisions make certain offences 'arrestable', create a new offence of reckless disturbance, confer greater powers to police and wildlife inspectors, and enable heavier penalties on conviction of wildlife offences.</p> | ✓ | ✓ | ✓ | ✓ |
| Natural Environment and Rural Communities Act 2006 (NERC) (as amended) | <p>Through Section 40 of the Act, a legal duty is placed on Government Departments and public authorities to have regard for the conservation of biodiversity. This 'biodiversity duty' includes, but is not restricted to, habitats and species of principal importance for nature conservation in England published by the Government in accordance with the requirement set through Section 41 of the Act. Protecting and enhancing England's Section 41 habitats and species is considered key to delivering the Government's Biodiversity 2020 Strategy (see Table 10A.2).</p> | ✓ | ✓ | ✓ | ✓ |
| Marine and Coastal Access Act 2009 | <p>This Act is the basis upon which the Marine Management Organisation (MMO) determines applications to undertake works – or 'licensable activities' – within English waters.</p> <p>It sets out the legislative framework for the application of Marine Plans to relevant planning decisions in the UK Marine Area. Specifically, decisions affected by marine policy documents include 'the determination of any application [...] for authorisation of the doing of any act which affects or might affect the whole or any part of the UK marine area' (Section 58).</p> <p>As the proposed development will require some works within the UK Marine Area (Section 42), a Marine Licence will be sought from the MMO. Whether this is 'Deemed' within the DCO (the preferred option) or 'standalone', in reaching a determination, the MMO must consider several factors associated with marine works, including their potential environmental impacts.</p> <p>The Act also amends existing legislation (including the Salmon & Freshwater Fisheries Act 1975) relating to migratory and freshwater fish, giving new powers to the Environment Agency to conserve and manage migratory fish species</p> | - | - | ✓ | ✓ |

| Statute | Relevant legal requirements | Relevant to Chapter Topics | | | |
|---|--|----------------------------|----|----|----|
| | | 12 | 13 | 14 | 15 |
| Protection of Badgers Act 1992 | Makes it an offence to kill or take a badger, to cruelly ill-treat a badger, or to interfere with a badger sett, including disturbing a badger while it is occupying a sett. In certain circumstances, licences can be granted to permit some actions prohibited under the Act. | ✓ | - | - | - |
| Wild Mammals (Protection) Act 1996 | This Act provides provisions to protect any mammals not protected by the Animal Welfare Act. It is an offence to inflict unnecessary suffering to any mammal the Act covers. | ✓ | - | - | - |
| Animal Welfare Act 2006 | The Act contains the general laws relating to domestic animal welfare, but also includes provisions for fish. It is an offence to cause unnecessary suffering to any animal covered by The Act. The Act makes owners and keepers (including landowners) responsible for ensuring that the welfare of animals within their control is met. | - | ✓ | - | - |
| Conservation of Seals Act 1970 as amended by the Conservation of Seals (England) Order 1999 | Grey and common seals on the east and south-east coasts of England (from Berwick to Newhaven) are protected all year from being killed, injured or taken. | - | - | ✓ | - |
| Salmon & Freshwater Fisheries Act 1975 (as amended) | This Act contains provisions relating to: <ul style="list-style-type: none"> prohibition of certain methods for taking or destroying fish; and obstructions to the passage of fish in watercourses. | - | ✓ | ✓ | - |
| The Eels (England & Wales) Regulations 2009 (as amended) | European Council Regulation No 1100/2007 set targets for the recovery of European eel stocks and requires EU member states to develop management plans to improve eel stocks. The Eels Regulations transpose this requirement, providing the legal powers to act. The Regulations include provisions relating to the installation and maintenance of eel screens at water abstraction and discharge points. | - | ✓ | ✓ | - |
| Environmental Protection Act 1990 | Section 33 The Environmental Protection Act, 1990 (EPA 1990) contains a number of legal provisions concerning “controlled waste”, which are set out in Part II. This includes provisions relating to controlled weed species. Any soil and waste containing propagules of a plant species listed in Schedule 9 of the WCA is considered to have the potential to cause ecological harm and hence deemed “Controlled Waste” or “Directive Waste” (Waste Management Licensing Regulations (WMLR) 1994 as amended). The most relevant provisions are in Section 33 (1a) and (1b) which create offences to do with the depositing, treating, keeping or disposing of controlled waste without a licence. | ✓ | ✓ | ✓ | - |

| Statute | Relevant legal requirements | Relevant to Chapter Topics | | | |
|--|--|----------------------------|----|----|----|
| | | 12 | 13 | 14 | 15 |
| | Material containing the propagules of species listed on Schedule 9 must be safely disposed of at an appropriately licensed landfill site in accordance with the Environmental Protection Act 1990 (Duty of Care) Regulations 1991 (as amended). | | | | |
| Invasive Alien Species (Enforcement and Permitting) Order 2019 | The Order allows for the enforcement of European Union Regulation No. 1143/2014 on the prevention and management of the introduction and spread of invasive alien species within England. The Regulation lists species of European Union concern which cannot be imported, kept, bred / grown, transported, sold, used, allowed to reproduce, or released into the environment. The Order therefore tightens existing rules (e.g. under the Wildlife and Countryside Act 1981 (as amended)) around releasing invasive non-native animals which threaten our native wildlife. | ✓ | ✓ | ✓ | - |

Table 12A-2: Summary of relevant national and local planning policy and associated guidance

| Policy document | Relevant policies | Purpose |
|---|---|---|
| Overarching National Policy Statement for Energy (EN-1) | Part 5.3: Biodiversity and geological conservation | <p>Sets out national policy for energy infrastructure. Where the development is subject to Environmental Impact Assessment (EIA) the applicant should ensure that the Environmental Statement (ES) clearly sets out any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity.</p> <p>Requires that the applicant shows how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.</p> |
| | Applicant's assessment -paragraph 5.3.3 | 'Where the development is subject to EIA the applicant should ensure that the ES clearly sets out any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity. The applicant should provide environmental information proportionate to the infrastructure where EIA is not required to help the SoS consider thoroughly the potential effects of a proposed project.' |
| | Applicant's assessment -paragraph 5.3.4 | 'The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.' |
| | Biodiversity within Developments - paragraph 5.3.15 | 'Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, the Secretary of State (SoS) should maximise such opportunities in and around developments, using requirements or planning obligations where appropriate.' |
| | Mitigation - paragraph 5.3.18 | <p>'The applicant should include appropriate mitigation measures as an integral part of the proposed development. In particular, the applicant should demonstrate that:</p> <ul style="list-style-type: none"> • during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works; • during construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements; • habitats will, where practicable, be restored after construction works have finished; and • opportunities will be taken to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals.' |

| Policy document | Relevant policies | Purpose |
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| | Mitigation - paragraph 5.3.19 | 'Where the applicant cannot demonstrate that appropriate mitigation measures will be put in place the SoS should consider what appropriate requirements should be attached to any consent and/or planning obligations entered into.' |
| Fossil Fuel Electricity Generating Infrastructure (EN-2) | Part 2.5: Air quality and emissions | This National Policy Statement (NPS), taken together with the Overarching National Policy Statement for Energy (EN-1), provides the primary basis for decisions by the SoS on applications it receives for nationally significant fossil fuel electricity generating stations. |
| | SoS decision making - paragraph 2.5.6 | 'In considering whether to grant consent, the SoS should take account of likely environmental impacts resulting from air emissions and that in the case of SO _x , NO _x or particulates in particular, it follows the advice in EN-1 on interaction with the EA's regulatory processes.' |
| | Part 2.10: Water quality and resources | Where the project is likely to have effects on water quality or resources the applicant should undertake an assessment as required in EN-1 Section 5.15. The assessment should particularly demonstrate that appropriate measures will be put in place to avoid or minimise adverse impacts of abstraction and discharge of cooling water. In addition to the mitigation measures set out in EN-1, design of the cooling system should include intake and outfall locations that avoid or minimise adverse impacts. There should also be specific measures to minimise fish impingement and/or entrainment and excessive heat from discharges to receiving waters. |
| Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) | Part 2.21: Gas and Oil Pipelines Impacts: Biodiversity, Landscape and Visual | This National Policy Statement (NPS), taken together with the 'Overarching National Policy Statement for Energy' (EN-1), provides the primary basis for decisions by the SoS on applications it receives for gas supply infrastructure and gas and oil pipelines. |
| | Applicant's assessment - paragraph 2.21.3 | 'The ES should include an assessment of the biodiversity and landscape and visual effects of the proposed route and of the main alternative routes considered (see Section 5.9 of EN-1). The application should also include proposals for reinstatement of the pipeline route as close to its original state as possible and take into account any requirements for agreements with the landowner to access areas for aftercare and management work. Where it is unlikely to be possible to restore landscape to its original state, the applicant should set out measures to avoid, mitigate, or employ other landscape measures to compensate for, any adverse effect on the landscape.' |
| | Mitigation - paragraph 2.21.6 | 'In circumstances where the habitat to be crossed contains ancient woodland, trees subject to a Tree Preservation Order, or hedgerows subject to the Hedgerows Regulations 1997, the applicant should consider whether it would be feasible to use horizontal direct drilling under the ancient woodland or thrust bore under |

| Policy document | Relevant policies | Purpose |
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| | | the protected tree or hedgerow and the SoS should consider requiring this, where not included in the proposal.' |
| Electricity Networks Infrastructure (EN-5) | Part 2.7: Biodiversity and Geological Conservation | This National Policy Statement (NPS), taken together with the Overarching National Policy Statement for Energy (EN-1), provides the primary basis for decisions by the SoS on applications it receives for electricity networks infrastructure. |
| | Applicant's assessment – paragraph 2.7.2 | 'The applicant will need to consider whether the proposed line will cause such problems at any point along its length and take this into consideration in the preparation of the Environmental Impact Assessment (EIA) and ES (see Section 4.2 of EN-1). Particular consideration should be given to feeding and hunting grounds, migration corridors and breeding grounds [for birds].' |
| | SoS Decision Making – paragraph 2.7.3 | The SoS should ensure that this issue has been considered in the ES and that appropriate mitigation measures will be taken where necessary |
| National Planning Policy Framework (NPPF) | Section 15: Conserving and Enhancing the Natural Environment | <p>The NPPF sets out the Government's planning policies for England and how these are to be applied, and identifies overarching objectives, including environmental (such as protecting and enhancing our natural environment and improving biodiversity). It states 'planning decisions should contribute to and enhance the natural and local environment' and that when determining planning applications the following principles should be applied: 'a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'</p> <p>Irreplaceable habitats are defined as 'habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, considering 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.'</p> |

| Policy document | Relevant policies | Purpose |
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| UK Marine Policy Statement (MPS) | - | The MPS is the framework for preparing Marine Plans and taking decisions affecting the marine environment. The Marine and Coastal Access Act 2009 requires all public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area to do so in accordance with the MPS unless relevant considerations indicate otherwise. Chapter 3 of the MPS sets out the policy objectives for the key activities that take place in the marine environment. It promotes sustainable economic development to ensure healthy, functioning marine ecosystems and protection of marine habitats and species. Applications for Nationally Significant Infrastructure Projects are required to have regard to the MPS. |
| Draft North East Marine Plan | NE-FISH- | Proposals enhancing essential fish habitat, including spawning, nursery and feeding grounds, and migratory routes should be supported. If proposals cannot enhance essential fish habitat, they must demonstrate that they will, in order of preference: <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate significant adverse impact on essential fish habitat, including spawning, nursery and feeding grounds, and migration routes. |
| | NE-BIO-1 | Proposals that enhance the distribution of priority habitats and priority species will be supported. Proposals that may have significant adverse impacts on the distribution of priority habitats and priority species must demonstrate that they will, in order of preference: <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate d) compensate for significant adverse impacts. |
| | NE-BIO-2 | Proposals that enhance or facilitate native species or habitat adaptation or connectivity, or native species migration will be supported. Proposals that may cause significant adverse impacts on native species or habitat adaptation or connectivity, or native species migration must demonstrate that they will, in order of preference: <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate significant adverse impacts d) compensate for significant adverse impacts |
| | NE-BIO-3 | Proposals that deliver environmental net gain for coastal habitats where important in their own right and/or for ecosystem functioning and provision of ecosystem services will be supported. Proposals must take |

| Policy document | Relevant policies | Purpose |
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| | | <p>account of the space required for coastal habitats where important in their own right and/or for ecosystem functioning and provision of ecosystem services, and demonstrate that they will in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate d) compensate for net habitat loss and deliver environmental net gain. |
| | NE-INNS-1 | <p>Proposals must put in place appropriate measures to avoid or minimise significant adverse impacts that would arise through the introduction and transport of invasive non-native species, particularly when:</p> <ul style="list-style-type: none"> 1) moving equipment, boats or livestock (for example fish or shellfish) from one water body to another 2) introducing structures suitable for settlement of invasive non-native species, or the spread of invasive non-native species known to exist in the area. |
| | NE-INNS-2 | <p>Public authorities with functions to manage activities that could potentially introduce, transport or spread invasive non-native species should implement adequate biosecurity measures to avoid or minimise the risk of introducing, transporting or spreading invasive non-native species.</p> |
| | NE-DIST-1 | <p>Proposals that may have significant adverse impacts on highly mobile species through disturbance or displacement must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate significant adverse impacts. |
| | NE-UWN-2 | <p>Proposals that result in the generation of impulsive or non-impulsive noise must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none"> a) avoid b) minimise c) mitigate significant adverse impacts on highly mobile species d) if it is not possible to mitigate significant adverse impacts, proposals must state the case for proceeding. |
| Redcar and Cleveland Local Plan (2018) | Policy SD1: Sustainable Development | <p>'When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.</p> |

| Policy document | Relevant policies | Purpose |
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| | | <p>We will always work proactively with applicants to secure developments that improve the economic, social and environmental conditions in the area. In seeking positive outcomes, we will work jointly with applicants to find solutions that enable proposals to be approved wherever possible.</p> <p>Planning proposals that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood development plans) will be approved without delay, unless material considerations indicate otherwise.'</p> |
| | Policy SD4: General Development Principles | <p>In assessing the suitability of a site or location, development will be permitted where it will not (amongst other requirements) result in the unacceptable loss or significant adverse impact on important open spaces or environmental, built or heritage assets which are considered important to the quality of the local environment; or, result in an adverse effect on the integrity of a Natura 2000 site, either alone or in combination with other plans or projects.</p> |
| | Policy LS4: South Tees Spatial Strategy | <p>In relation to the natural environment the Council and its partners will aim to:</p> <ul style="list-style-type: none"> • protect European sites, and safeguard and improve sites of biodiversity interest particularly along the River Tees and the estuary and encourage integrated habitat creation and management; • enhance the environmental quality of the River Tees and coastline; and • encourage improvements to access, interpretation and wildlife conservation and biodiversity across the area. |
| | Policy N2: Green Infrastructure | <p>Sets out support for development which protects and improves the green infrastructure network of the region. Particular reference to the '<i>open area between Wilton Works and Redcar, extending North to the coast.</i>'</p> |
| | Policy N4: Biodiversity & Geological Conservation | <p>Sets out policy support for protection and enhancement of biodiversity and ecological features as a result of development. Biodiversity and geodiversity should be considered at an early stage in the development process, with appropriate protection and enhancement measures incorporated into the design of development proposals, recognising wider ecosystem services and providing net gains wherever possible. Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative, should be avoided. Where this is not possible mitigation, or lastly compensation, must be provided as appropriate. Proposals will be considered in accordance with the status of biodiversity and geodiversity sites within the hierarchy.</p> <p>Particular reference and weight are given to internationally designated sites such as Teesmouth and Cleveland Coast Special Protection Area (SPA), and nationally designated sites, habitats and species. The policy also sets out protection of ecological features of particular value as wildlife corridors such as river corridors and hedgerows.</p> |

| Policy document | Relevant policies | Purpose |
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| Redcar and Cleveland South Tees Area Supplementary Planning Document (SPD) (2018) | Development Principle STDC7 | Sets out expectations for natural environment protection and enhancement, including the requirement to comply with Redcar and Cleveland Local Plan Policy N4. |
| Stockton-on-Tees Local Plan (2019) | Policy EG4: Seal Sands, North Tees and Billingham | Development proposals in the North Tees and Seal Sands area will recognise the cumulative importance for bird species associated with the Teesmouth and Cleveland Coast SPA and Ramsar site. Appropriate development proposals will be encouraged at locations within the limits to development where: (a) If necessary, land has been identified to provide appropriate strategic mitigation; or (b) The applicant can demonstrate that the proposed development, in-combination with other proposals, will not adversely impact the Teesmouth & Cleveland Coast SPA and Ramsar site. Should it become apparent that proposals for strategic mitigation cannot be identified, the Council will work with the Tees Estuary Partnership and relevant stakeholders to take appropriate action. |
| | Policy ENV5: Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity | <p>The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment and maximise opportunities for biodiversity conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.</p> <ol style="list-style-type: none"> 1. The Council will preserve, restore and re-create priority habitats alongside the protection and recovery of priority species. 2. Ecological networks and wildlife corridors will be protected, enhanced and extended. A principal aim will be to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats. 3. Sites designated for nature or geological conservation will be protected and, where appropriate enhanced, taking into account the following hierarchy and considerations: <ol style="list-style-type: none"> a. Internationally designated sites – Development that is not directly connected with or necessary to the management of the site, but which is likely to have a significant effect on any internationally designated site, irrespective of its location and when considered both alone and in combination with other plans and projects, will be subject to an Appropriate Assessment. Development requiring Appropriate Assessment will only be allowed where: <ol style="list-style-type: none"> i. It can be determined through Appropriate Assessment, taking into account mitigation, the proposal would not result in adverse effects on the site’s integrity, either alone or in combination with other plans or projects; or |

Policy document

Relevant policies

Purpose

- ii. as a last resort, where, in light of negative Appropriate Assessment there are no alternatives and the development is of overriding public interest, appropriate compensatory measures must be secured.
- b. Nationally designated sites - Development that is likely to have an adverse effect on a site, including broader impacts on the national network of SSSI and combined effects with other development, will not normally be allowed. Where an adverse effect on the site's notified interest features is likely, a development will only be allowed where:
 - i. the benefits of the development, at this site, clearly outweigh both any adverse impact on the sites notified interest features, and any broader impacts on the national network of SSSI's;
 - ii. no reasonable alternatives are available; and
 - iii. mitigation, or where necessary compensation, is provided for the impact.
- c. Locally designated sites: Development that would have an adverse effect on a site(s) will not be permitted unless the benefits of the development clearly outweigh the harm to the conservation interest of the site and no reasonable alternatives are available. All options should be explored for retaining the most valuable parts of the sites interest as part of the development proposal with particular consideration given to conserving irreplaceable features or habitats, and those that cannot readily be recreated within a reasonably short timescale, for example ancient woodland and geological formations.

Where development on a site is approved, mitigation or where necessary, compensatory measures will be required in order to make development acceptable in planning terms.

4. Development proposals should seek to achieve net gains in biodiversity wherever possible. It will be important for biodiversity and geodiversity to be considered at an early stage in the design process so that harm can be avoided and wherever possible enhancement achieved (this will be of particular importance in the redevelopment of previously developed land where areas of biodiversity should be retained and recreated alongside any remediation of any identified contamination). Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative should be avoided. Where this is not possible, mitigation and lastly compensation, must be provided as appropriate. The Council will consider the potential for a strategic approach to biodiversity offsetting in conjunction with the Tees Valley Local Nature Partnership and in line with the above hierarchy.
5. When proposing habitat creation it will be important to consider existing habitats and species as well as opportunities identified in the relevant Biodiversity Opportunity Areas. This will assist in ensuring proposals accord with the 'landscape scale' approach and support ecological networks.

| Policy document | Relevant policies | Purpose |
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| | | <p>6. Existing trees, woodlands and hedgerows which are important to the character and appearance of the local area or are of nature conservation value will be protected wherever possible. Where loss is unavoidable, replacement of appropriate scale and species will be sought on site, where practicable.</p> |
| | <p>Policy ENV6: Green Infrastructure, Open Space, Green Wedges and Agricultural Land</p> | <p>‘1. Through partnership working, the Council will protect and support the enhancement, creation and management of all green infrastructure to improve its quality, value, multi-functionality and accessibility in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan.</p> <p>2. Where appropriate, development proposals will be required to make contributions towards green infrastructure having regard to standards and guidance provided within the Open Space, Recreation and Landscaping SPD or any successor. Green infrastructure should be integrated, where practicable, into new developments. This includes new hard and soft landscaping, and other types of green infrastructure. Proposals should illustrate how the proposed development will be satisfactorily integrated into the surrounding area in a manner appropriate to the surrounding townscape and landscape setting and enhances the wider green infrastructure network.</p> <p>3. The Council will protect and enhance open space throughout the Borough to meet community needs and enable healthy lifestyles. The loss of open space as shown on the Policies Map, and any amenity open space, will not be supported unless: a. it has been demonstrated to be surplus to requirements; or b. the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c. the proposal is for another sports or recreational provision, the needs for which, clearly outweigh the loss; or d. the proposal is ancillary to the use of the open space; and e. in all cases there would be no significant harm to the character and appearance of the area or nature conservation interests.</p> <p>4. Development within green wedges will only be supported where:</p> <ul style="list-style-type: none"> a. it would not result in physical or visual coalescence of built-up areas; b. it would not adversely impact on local character or the separate identity of communities; c. it would not adversely impact on recreational opportunities; and d. it would not adversely impact on biodiversity. <p>5. Development proposals will be expected to demonstrate that they avoid the ‘best and most versatile’ agricultural land unless the benefits of the proposal outweigh the need to protect such land for agricultural purposes. Where significant development of agricultural land is demonstrated to be necessary, proposals will be expected to demonstrate that they have sought to use areas of lower quality land in preference to that of a higher quality.’</p> |
| | <p>Policy ENV7: Ground, Air, Water, Noise and Light Pollution</p> | <p>Any development proposals that may result in groundwater or surface water pollution will require suitable prevention measures. Potentially polluting developments will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.</p> |

| Policy document | Relevant policies | Purpose |
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| | | <p>Ground and surface water quality are required to improve in line with the requirements of WFD. Developments will not be permitted unless it can be demonstrated that there are no significant adverse impacts to water quality.</p> <p>Support will be given to improve the quality of the water environment by supporting ecological improvements along riparian corridors, protecting natural water bodies from modifications and supporting improvement of heavily modified water bodies (including de-culverting and removal of fish barriers).</p> |
| | Policy SD5: Natural, Built and Historic Environment | <p>To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:</p> <ol style="list-style-type: none"> 1. Conserve and enhance the natural, built and historic environment through a variety of methods including: <ol style="list-style-type: none"> a. Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8. b. Protecting and enhancing designated sites (including the Teesmouth and Cleveland Coast Special Protection Area and Ramsar) and other existing resources alongside the provision of new resources. c. Protecting and enhancing green infrastructure networks and assets, alongside the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species. d. Enhancing woodlands and supporting the increase of tree cover where appropriate. |
| | Policy SD8: Sustainable Design Principles | Sets out the principles to ensure new developments are designed to the highest possible standard, taking into consideration the context of the surrounding area. This includes the need to protect and enhance ecological and green infrastructure networks and assets. |
| A Green Future: Our 25 Year Plan to Improve the Environment (Defra, 2019) - | | Sets out the strategic action required of the UK Government to help the natural world regain and retain good health. It aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species and provide richer wildlife habitats. |
| Biodiversity 2020: A strategy for England's wildlife and ecosystem services (Defra, 2011) - | | Sets out the strategic direction of the Government for the period 2011 to 2020 in relation to biodiversity policy on land (including rivers and lakes) and at sea, and how international commitments will be implemented. |
| Planning Practice Guidance: Natural Environment as issued by Ministry of - | | Explains key issues in implementing policy to protect and enhance the natural environment, including local requirements. |

| Policy document | Relevant policies | Purpose |
|---|---|---|
| Housing, Communities and Local Government (2019) | | |
| Standing Advice issued by Defra and Natural England (2020) | Protected species and development | <p>Guidance has been published covering protected sites, habitats and species. This includes guidance on providing and protecting wild bird habitats to address legal requirements set out in the Habitats Regulations. The purpose of standing advice is to guide decision-makers on the determination of proposals with potential to affect protected sites, habitats and species. The guidance sets out responsibilities and minimum requirements for survey and mitigation, including the need to consider objectives for no net loss and provision of net gain. Where impacts cannot be avoided, then planning applications should be determined with regard to ensuring:</p> <ul style="list-style-type: none"> • no more habitat is lost than is replaced (no net loss); • as a minimum like-for-like habitat replacements; and • consideration of options to secure better alternative habitat in terms of quality or area, compared to what will be lost. |
| Standing Advice issued by the Forestry Commission and Natural England (2018) | Ancient woodland, ancient trees and veteran trees | Identifies considerations for developments affecting ancient woodland, ancient trees and veteran trees. |
| Stockton-on-Tees Supplementary Planning Document 1: Sustainable Design Guide (2011) | - | Provides additional guidance on the requirements of Stockton-on-Tees policies, including design principles for green infrastructure and ecology. |
| Tees Valley Green Infrastructure Strategy (2008) | - | The strategy States that: 'Green infrastructure should be fundamental to the planning of major new development and re-development schemes...'. It also states that new development should protect and enhance wildlife sites and corridors where possible and management should promote wildlife linkages. |
| Redcar and Cleveland's Green Space Strategy 2006-2016 (2006) | - | The purpose of the strategy is to set out requirement to deliver positive and lasting change to the borough's stock of green spaces, for the benefit of people and the environment (including ecology). |
| A Biodiversity Audit of the North East (2001) | - | The audit provides information on those species and habitats which occur within the North East Region that are regionally, nationally or internationally important, to support planning for the conservation of biodiversity. |
| Priority Habitats and Species in the Tees Valley (2012) | - | Updates information on priority habitats and species within the Tees Valley to support planning for the conservation of biodiversity. |

| Policy document | Relevant policies | Purpose |
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| River Tees Salmon Action Plan Review issued by the Environment Agency (2009) | - | Defines strategic actions necessary to recover salmon stocks, including improving water quality in the lower river and estuary, addressing barriers to salmon migration, and ensuring impacts of new developments are minimised. |

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