

Appendix G.1

Planning Policy and Legislation: Ecology and Nature Conservation

Appendix G.1: Relevant Planning Policy and Legislation

- 1.1 This section provides a brief summary of the planning policies and legislation relevant to the project.

National

UK Biodiversity Action Plan

- 1.2 The UK's commitments as a signatory to the 1992 Biodiversity Convention are outlined in Biodiversity: the UK Action Plan (1994). The UK Biodiversity Steering Group report was published in 1995 and included action plans for 116 of the UK's most threatened and endangered species and for 14 key habitats. Further species and habitat action plans have subsequently been published. There are now 391 species action plans and 45 priority habitat action plans nationwide. At a local level Local Biodiversity Action Plans (LBAPs) have been developed which are linked to national priorities (see below).

Planning Policy Statement 9: Biodiversity Geological Conservation, 2005

- 1.3 The Government's Planning Policy Statement (PPS) 9 Biodiversity Geological Conservation was issued in August 2005. Accompanying PPS 9 is the ODPM/DEFRA Circular (ODPM 06/2005, DEFRA 01/2005): Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system.

Regional and Local

- 1.4 RPG 9 *Regional Planning Guidance for the South East* (March 2001) supports the continued protection of nationally and internationally important nature conservation and wildlife sites. Policy NRM5 of the emerging South East Regional Spatial Strategy is concerned with conservation and improvement of biodiversity.
- 1.5 Policies ENV.8 Active Nature Conservation Measures and ENV.9 The Impact of Development Proposals on Nature Conservation Sites of the West Berkshire District Local Plan 1991-2006 are both saved policies. The Local Development Framework will eventually replace the Local Plan.

Local Biodiversity Action Plans (LBAP)

- 1.6 The application area lies within the area covered by the Berkshire Biodiversity Action Plan for the Berkshire County. This plan aims to highlight species and habitats within Berkshire that require positive conservation action to maintain and enhance their ecological value and integrity. Two habitat types have been identified as being present within the study area that is contained within the Berkshire BAP, these being Grassland and Woodland.
- 1.7 The BAP states that where effects on habitats cannot be avoided, mitigation through the provision of replacement habitat will be necessary and opportunities to improve the environment will be sought.
- 1.8 No specific action plans for species have been identified within the Berkshire BAP.
- 1.9 The application site study radius also falls within the area covered by the Biodiversity Action Plan for Hampshire. Two habitat types have been identified as being present within the study area, that are contained within the Hampshire BAP, these being Acid Grassland and Lowland Parkland Woodland.
- 1.10 Three specific actions plans for species have been identified within the Hampshire BAP, these being skylark, pipistrelle and great crested newt.

Ministry of Defence (MoD)

- 1.11 AWE Aldermaston is a Military of Defence (MoD) site. The MoD's commitment to conserve biodiversity is set out in The Defence Estate Strategy 2006 which provides objectives for the management of the rural estate. The MOD is committed to the protection, maintenance and enhancement of all priority species and habitats wherever they occur, and seeks advice on local priorities and Species of Conservation Concern. It also has seven Priority Habitat Action Plans (HAPs) and eighteen Priority Species Action Plans (SAPs).
- 1.12 The MoD has recommended its sites produce a local BAP demonstrating how the agreed contribution to biodiversity targets will be achieved. Atkins has carried out a site-wide baseline ecological study of AWE Aldermaston. A BAP for AWE Aldermaston has been produced by the AWE Assurance team with the support of consultants. Habitats and species identified as a priority for conservation action at a national, regional and/or local level were identified during the evaluation.

Legislation on Nature Conservation

Conservation (Natural Habitats, &c.) Regulations, 1994

- 1.6 The Conservation (Natural Habitats, &c.) Regulations 1994 (Habitat Regulations), implement the requirements of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora 1992 (EC Directive 92/43/EEC). These set out the provisions for selection of sites to form part of the Natura 2000 network based on criteria set out in Annex II and IV of the Directive and for assessing plans or projects that are likely to have a significant effect on these sites.

Wildlife and Countryside Act, 1981 (as amended)

- 1.7 The Wildlife and Countryside Act 1981 (as amended) is the principal mechanism for the legislative protection of wildlife in the UK. Part 1 of the Act concerns the protection of wildlife. Under this legislation all wild birds and their nests are protected during the breeding season, which in general runs from mid February to mid September. Schedule 1 Part 1 of the Act lists bird species which are specially protected at all times.
- 1.8 Schedule 1 Part 2 lists birds which are protected during the close season. Schedule 5 lists protected animals other than birds. This includes all 16 species of bats in the UK and their roosts, approximately 70 invertebrates and other mammals, reptiles, amphibians and fish. Part 2 of the Act relates to the countryside and National Parks and the designation of protected areas, such as Sites of Special Scientific Interest (SSSIs).

Countryside and Rights of Way Act, 2000

- 1.9 The Countryside and Rights of Way (CRoW) Act, which became law in England and Wales in November 2000, made amendments to the Wildlife and Countryside Act (1981). Part 3 of the CRoW Act deals with Nature Conservation and Wildlife Protection. It includes three wildlife measures concerning SSSIs and other designations; enforcement of wildlife legislation and biological diversity. The Act strengthens the enforcement provisions against wildlife offences laid down in Part 1 of the Wildlife and Countryside Act. In particular, a new offence of 'reckless' disturbance of certain listed birds (Schedule 1) and animal (Schedule 5) at their nest or place of shelter has been introduced.

1.10 Section 74 of the CRow Act provides a list of habitats and species important to biological diversity in England. The list identifies the habitats and living organisms (species) which the Secretary of State, following consultation with her statutory nature conservation advisers, English Nature, considers are of principal importance for the conservation of biological diversity in England, in accordance with the 1992 UN Convention on Biological Diversity.