

## **SITES/BUILDINGS SUPPORTING SPECIES PROTECTED BY LAW**

**POLICY EV7 DEVELOPMENT WHICH WOULD ADVERSELY AFFECT SITES OR BUILDINGS SUPPORTING SPECIES PROTECTED BY LAW WILL ONLY BE PERMITTED WHERE:-**

- a) PROVISION IS MADE WITHIN THE PROPOSED DEVELOPMENT TO AVOID OR MINIMISE DISTURBANCE TO THE SPECIES, OR**
- b) PROVISION IS MADE FOR THE CREATION OF SIMILAR HABITATS, WHERE FEASIBLE, PREFERABLY WITHIN THE LOCALITY, NEGOTIATED AND SECURED BY A PLANNING OBLIGATION.**

3.48 Threatened wildlife species are protected through the Wildlife and Countryside Act 1981, as amended, the Protection of Badgers Act 1992, the Conservation (Natural Habitat & c.) Regulations 1994 (schedules 2 and 4) and other legislation relating to specific species. Often these will be found in areas or sites already protected in the Local Plan, including SSSIs, LNRs, MLAs or SINCs but can be found elsewhere. Where such species are known or suspected to exist, expert advice will be sought from the appropriate statutory body to ensure that species are adequately taken into account in any proposed development. The Authority may subsequently require the applicant to undertake a survey to identify the types of protected species present and the location and nature of their habitats. Provision can often be made to avoid or minimise disturbance to species and their habitats within the development and retain them in-situ. Planning conditions may be imposed relating to the design, landscaping, timing and operational methods of the development and these can often be identified in the site survey. On all proposed development sites, it will nearly always be preferable to accord with criteria (a) of policy EV7. Where it is not possible to retain the species and their habitats in-situ, as a last resort provision should be made, where feasible, for the creation of similar habitats preferably in the locality and this will be negotiated and secured through a planning obligation.

3.49 English Nature has acknowledged within their 1996 publication 'Local Planning and Wildlife Law', that if it is not possible to keep a protected species on site through mitigation, a decision has to be made as to whether the development is important enough to allow their removal and the destruction of their habitat. This country's wildlife must be seen as one of its resources and, as such, this decision should be based upon the relative value of a resident population of a protected species compared to the value of the new development. There are a number of factors which must be considered including the rarity of the species, the significance of the population in light of what proportion it is of national or regional populations and the value of the development.

## **TREES AND WOODLANDS**

**POLICY EV8 DEVELOPMENT WHICH ADVERSELY AFFECTS TREES WORTHY OF RETENTION, INCLUDING WOODLAND AND INDIVIDUAL TREES, WILL NOT BE PERMITTED. WHERE TREES ARE LOST AS A RESULT OF DEVELOPMENT, REPLACEMENT OR MITIGATING PLANTING WILL BE REQUIRED.**

**Existing Ancient Woodland sites are listed in Appendix 2 and shown on the Proposals Map**

3.50 Trees and woodlands make an important contribution to the quality of particular areas and are significant both as landscape features and individual habitats and can be of recreational value. Wherever possible the Authority will protect existing trees within development sites and will introduce Tree Preservation Orders as necessary. Existing trees and woodlands will be expected to remain within development proposals and be complemented by new landscaping schemes. Where trees are lost as a result of development, replacement trees or mitigating planting will be required.

- 3.51 An Ancient Woodland is an area which has had continuous cover of native trees and plants since at least 1600 A.D., neither having being cleared nor extensively replanted since then. The date is adopted as marking the time when forestry began to be widely adopted and when evidence in map form began to become available. Nine Ancient Woodland sites have been identified by English Nature within Ashfield.

### **HEDGEROWS**

- 3.52 Hedgerows are the most traditional types of field boundaries in many areas and make an important contribution to the landscape of the District. They are often of considerable historic and wildlife interest and, particularly in the case of older hedgerows, often contain a great diversity of plant and wildlife species. As such, the loss of hedgerows from the countryside landscape has been a continuing cause for concern.
- 3.53 On the 1st June 1997 the Hedgerows Regulations, 1997 came into force under section 97 of the Environment Act, 1995. They introduced new arrangements for local planning authorities to protect "important" hedgerows in the countryside, by controlling their removal through a system of notification. The regulations set out criteria that must be used by the local planning authority in determining which hedgerows are "important". The criteria relate to the value of hedgerows from an archaeological, historical, landscape and wildlife perspective. There is a strong presumption that "important" hedgerows and other hedgerows, where possible, will be protected and wherever possible incorporated into open space and landscaping proposals for new development.

### **GREENWOOD COMMUNITY FOREST**

- 3.54 The Greenwood Community Forest was established in Nottinghamshire in November, 1991. The whole of Ashfield lies within the Greenwood Community Forest, as shown on the proposals map, and is expected to remain the central area for development of the Forest. Community Forests are intended to provide well-wooded landscapes for wildlife, living and working, recreation and education within urban fringe areas. Accessibility is a key component in all proposed Community Forest schemes and full consideration will be given to the potential to create community routeways within new woodlands and open spaces. It is anticipated that over time a network of woodlands will be developed through privately funded, Local Authority and community based schemes. Such proposals will need to have regard to nature conservation and Mature Landscape Areas.
- 3.55 Ashfield District Council has carried out a number of schemes contributing to the Greenwood Community Forest including Brierley Forest Park, a major public open space between Sutton-in-Ashfield, Huthwaite and Stanton Hill. This 145 hectare parkland includes extensive areas of tree planting, wetlands and wildflower meadow together with a large trail network and visitor centre. Privately owned land to the south and east of Brierley Forest Park comprises an important part of the setting of the park and as such will continue to be protected as part of the countryside.
- 3.56 The District and County Council are continuing to identify new opportunities to develop the Greenwood Community Forest further particularly through the reclamation and restoration of derelict land. A scheme is currently being carried out to create a new forest on the former Silverhill Colliery site and opportunities may exist in connection with Bentinck Colliery in the future. A major new parkland will also be created through the phased restoration of the Sutton landfill site. The recent acquisition of the historic water gardens associated with Skegby Hall, will offer a further opportunity to link Brierley Forest Park with an extended trails network to the east. Further opportunities for public access may exist within the arboretum at Annesley Hall, together with the possibility for a new link westwards towards Weavers Lane. There may also be scope to extend the arboretum southwards into the parkland, which surrounds the Hall, and create a public link around the parkland.
- 3.57 Private developments can also contribute significantly to the Greenwood Community Forest through woodland planting and the sympathetic design of areas of open space. Developers of large sites will be expected to contribute to the development of the Greenwood Community Forest particularly incorporating substantial areas of new woodland into proposals where appropriate. Developers of residential sites comprising less than two hectares in size, may be

asked either to incorporate small woodland features into the site or contribute towards off site provision of community woodlands. This matter is covered in policy HG6. Preference will be given to the planting of native tree species in new developments.

## **AGRICULTURAL LAND**

**POLICY EV9 DEVELOPMENT OF THE BEST AND MOST VERSATILE AGRICULTURAL LAND (GRADES 1, 2 AND 3a) WILL ONLY BE PERMITTED WHERE:-**

- a) **THERE ARE NO REALISTIC OPPORTUNITIES FOR ACCOMMODATING THE DEVELOPMENT ON PREVIOUSLY-DEVELOPED SITES AND ON LAND WITHIN EXISTING URBAN AREAS; AND**
- b) **THERE ARE NO REALISTIC OPPORTUNITIES FOR ACCOMMODATING THE DEVELOPMENT ON POORER QUALITY AGRICULTURAL LAND (EXCEPT WHERE OTHER SUSTAINABILITY CONSIDERATIONS INDICATE OTHERWISE).**

3.58 It is important to safeguard the best and most versatile agricultural land which is most significant in terms of the national agricultural interest as acknowledged in PPG7. The Agricultural Land Quality Classification system, prepared by the Ministry of Agriculture, Fisheries and Food, contains five grades (1-5) with the middle grade split into 3a and 3b. Higher grade agricultural land (i.e. Grades 1, 2 and 3a) is the best and most versatile land and is a national resource for the future. No Grade 1 land has been identified in Ashfield District, although future detailed investigations may establish its existence. There are areas of Grades 2 and 3a, mostly falling either within the Green Belt or Countryside, and therefore already subject to strict control of development. However, development which is acceptable in such areas should avoid the loss of the best and most versatile agricultural land except where there are no realistic opportunities for accommodating the development on previously-developed sites and on land within the existing urban areas, and there are no realistic opportunities for accommodating the development on poorer quality agricultural land (except where other sustainability considerations indicate otherwise). Examples of other sustainability considerations might include the importance for biodiversity, the quality and character of the landscape, the amenity value or heritage interest, accessibility to infrastructure, workforce and markets and the protection of natural resources, including soil quality. Some of these qualities may be recognised by a statutory wildlife, landscape, historical or archaeological designation. However, it should be noted that once agricultural land is developed, even for 'soft' uses such as golf courses, its return to best quality agricultural use is seldom practical.

3.59 Some sites allocated for development elsewhere in this Local Plan may partially affect land of Grade 2 or 3a quality. The impact of the loss of such land has been taken into account when considering the allocation of these sites. In such cases it has been determined that the importance of the sites for other locational reasons has outweighed the impact of the loss of the farmland involved.

## **THE BUILT ENVIRONMENT**

3.60 The three Main Urban Areas in the District, Hucknall, Kirkby-in-Ashfield and Sutton-in-Ashfield, each contain a range of built environments including substantial areas of nineteenth and early twentieth century terrace housing, inter-war estates and extensive areas of modern development. More recently, sizeable industrial estates have been located within each of the three towns, as the traditional industries of coalmining and textiles have declined. The decline of traditional industries has left areas of derelict and vacant land, which required assistance to make the sites suitable for an appropriate end use. In this respect both the District and County Council, with grant assistance from English Partnerships, have successfully reclaimed many derelict areas in the District relating mainly to former colliery and railway land.

3.61 Many of the smaller settlements, particularly Jacksdale, Selston and Underwood, have also experienced substantial expansion, often in the form of post-war ribbon development and more