

Habitat Protection

Introduction

Habitat protection is fundamental to making progress on the conservation of priority habitats. It is also fundamental to progress on the priority species, most of which go together with one or more of the priority habitats. For these reasons, there is a requirement for habitat protection in every action plan.

Most habitat protection is undertaken through the statutory planning system. There has been much work in London already to ensure that this system takes account of the requirements of biodiversity conservation and this section brings together the best practice from that experience.

Site protection

London Boroughs' Unitary Development Plans (UDPs) each have strategic policies. It is important that these make specific reference to the need to protect wildlife habitat as one component of sustainability.

The detailed protection of wildlife habitat in London is achieved largely through the protection of Sites of Importance for Nature Conservation, Green Corridors and Countryside Conservation Areas, which have been identified through adopted procedures. The sites include all Local Nature Reserves and biological Sites of Special Scientific Interest, and hence National Nature Reserves, Special Protection Areas and Special Areas of Conservation. The criteria for the selection of the sites include species issues, and the most important habitat of many species (including most priority Biodiversity Action Plan species) is protected effectively in this way. This advice on wildlife sites must be kept current, so that new findings and improvements do not remain unprotected.

Government planning guidance encourages the boroughs to protect wildlife sites in their UDPs. However, planning authorities have to balance biodiversity conservation with other material considerations and sometimes this can lead to some important habitat not receiving sufficient protection. Now that the London Mayor has adopted the procedures for identifying this land for his Biodiversity Strategy, it is appropriate to seek more comprehensive protection.

Habitat outside sites

Some wildlife habitat lies outside the series of wildlife sites, predominantly in the private gardens of suburbia. Many London Boroughs have planning policies that protect the better wildlife habitat in such blocks of residential properties. Such policies should be adopted across London and amended to refer to the gardens as a priority habitat for biodiversity.

Planning gain

When planning applications are considered, it is not only possible to refuse permission, but also to grant permission with conditions, or negotiated agreements. In this way it is possible to prevent losses to biodiversity and

sometimes to obtain a net gain. Many London UDPs have policies indicating the intention to achieve such gains, sometimes specific gains to nature conservation.

These policies for planning gain should be updated to take account of measures beneficial to important species. Such species include those given statutory protection as well as Biodiversity Action Plan priority species. It is not appropriate, however, to list all such species as there is no agreed definitive list and a list may be interpreted as all-inclusive.

Policies for habitat enhancement

Planning guidance encourages policies for the enhancement of wildlife habitats, but not all UDPs have such policies. It is important that plans include such policies, and update existing policies to refer to the need to consider the actions of Biodiversity Action Plans.

Other planning policy issues

Planning policies for uses other than biodiversity conservation can have an impact on wildlife habitat. For example, housing policies may appear to over-ride biodiversity considerations, or policies for the restoration of minerals workings may not refer to opportunities for the development of wetland and other appropriate habitats. It is important that such policies make appropriate provision for wildlife habitat, or explicit cross-reference to the nature conservation policies of the plan.

Access to wildlife habitat is an important planning issue in London. Such access can assist with habitat protection through an enhanced appreciation of the habitat amongst local communities.

Three other planning policy areas can sometimes aid biodiversity conservation, although their prime purpose is not habitat protection. Tree Preservation Orders (TPOs) are a statutory mechanism for the protection of trees of amenity or landscape value. Some London UDPs have policies to protect or enhance specific features (commonly woodland, rivers or other water bodies). However, like TPOs, such policies usually focus on broader issues of amenity and landscape rather than on biodiversity conservation. 'Brownfield' habitats may be identified for use as temporary open space, but such use protects their wasteland habitats only where that temporary use is sympathetic. Similarly, much valuable habitat is within the Metropolitan Green Belt or Metropolitan Open Land. While such specific policies can assist with biodiversity conservation and should refer to it, they are not a realistic alternative to the protection of the site series.

Other protection

Although the focus of this section is on the statutory planning system, the policies of other organisations can assist greatly with biodiversity conservation. Local Authorities, utilities, businesses and commerce control much land and can adopt their own habitat protection policies as a major contribution to biodiversity conservation.

Good design

Developers are increasingly responding to calls for more sustainable design and construction in developments, which involves creating new wildlife opportunities in addition to protecting existing habitat. The London Development Agency has published a guidance note for developers called 'Design for Biodiversity', with English Nature and the GLA, to encourage wildlife-friendly building in London. The Partnership has copies to supply the development/construction industry. Further information on this issue is given in the Built Structures Generic Action Plan.

Objectives, Actions and Targets

Objective 1: To ensure that planners, developers and others are fully aware of and responsive to their responsibilities to protect wildlife habitat

Target: All Unitary Development Plans to include appropriate habitat protection policies by the end of the current round of reviews

Action	Target Date	Lead	Other Partners
1.1 Advise on appropriate policy during UDP review process	Ongoing	EN	GLA, LA
1.2 Update London Ecology Unit guidance notes on planning policies for Unitary Development Plans	2004	GLA	EN, EA, LWT, LA
1.3 Produce and disseminate generic biodiversity guidance note for planners in London to follow-up the LDA/EN/GLA publication 'Design for Biodiversity', aimed at developers.	2005	LBBF	GLA, LA, EN, LWT

English Nature will continue to advise on appropriate policy during the UDP review process, with the involvement of the boroughs. The GLA now also has a statutory role in relation to UDPs.

Further Reading

DETR (1996). *Planning Policy Guidance, Nature Conservation (PPG9)*. [To be revised in 2004]

DETR (revised March 2000). *Tree preservation orders; a guide to the law and good practice*.

Government Office for London (1994). *Regional Planning Guidance for London (RPG3)*. [To be replaced by the Mayor's Spatial Development Strategy]

Government Office for London (1997). *Strategic Planning Guidance for the River Thames (RPG3B)*. [To be replaced by the Mayor's Spatial Development Strategy]

London Ecology Unit (2000). *Policy, criteria and procedures for identifying nature conservation sites in London*. [Adopted by the Mayor of London as a basis for the London Biodiversity Strategy]

Relevant legislation

Convention on wetlands of international importance especially as waterfowl habitat (1971), as amended by the Protocol of 1982 and amended in 1987 (Ramsar Convention).

Council Directive on the conservation of wild birds (1979) (79/409/EEC, The Birds Directive).

Council Directive on the conservation of natural habitats and of wild fauna and flora (1992) (92/43/EEC, The Habitats Directive).

Wildlife & Countryside Act (1981), the provisions of which are extended and enlarged by the Countryside and Rights of Way Act 2000.