

**DMC12 Sites, features or species of wildlife, geological or geomorphological importance**

- A. For Internationally designated or candidate sites, or European Protected Species, the exceptional circumstances where development may be permitted are those where it can be demonstrated that the legislative provisions to protect such sites or species can be fully met.<sup>65 66 67</sup>
- B. For sites, features or species of national importance<sup>68</sup>, exceptional circumstances are those where development is essential:
  - (i) for the management of those sites, features or species; or
  - (ii) for the conservation and enhancement of the National Park's valued characteristics; or
  - (iii) where the benefits of the development at a site clearly outweigh the impacts on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs.
- C. For all other sites, features and species<sup>69</sup>, development will only be permitted where:
  - (i) significant harm can be avoided and the conservation status of the population of the species or habitat concerned is maintained; and
  - (ii) the need for, and the benefits of, the development in that location clearly outweigh any adverse effect.

<sup>65</sup> European Council Directive 92/43/EEC, which has been transposed into national legislation through the Conservation of Habitats and Species Regulations 2017 (Habitat Regulations 2017)

<sup>66</sup> Directive 2009/147/EC on the conservation of wild birds (codified version of Directive 79/409/EEC)

<sup>67</sup> European Commission, Managing Natura 2000 sites. The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC

<sup>68</sup> SSSIs, NNRs, irreplaceable habitats including Ancient Woodlands and Grasslands, Habitats and Species listed under s41 of the NERC Act 2006 as being of principal importance for the purpose of conserving biodiversity

<sup>69</sup> Refer to paragraph 9.29 of the Core Strategy for a comprehensive list

**Protecting trees, woodland or other landscape features put at risk by development**

- 3.123 **Core Strategy policies L1 and L2** provide protection for landscape assets such as trees, woodlands and other features put at risk by development. The loss and fragmentation of these features can lead to an inability of species to migrate into new areas or adapt to climate change, leaving them susceptible to reduced genetic diversity and therefore more vulnerable to extinction. Care for such assets is important both during and after development work. Management plans need to specify appropriate replacement where existing assets are put at risk. Detailed assessments of a proposal's likely impact are necessary to enable proper consideration. Replacement of lost or damaged trees and shrubs should be with the same species or with species appropriate to the local context and preferably grown locally. These will often be indigenous to an area, or in some cases specimen trees suited to its character of local provenance.
- 3.124 Owing to the current outbreak of Ash Dieback across the National Park the Authority advises that Ash trees should not be included in any landscaping scheme. Applicants are encouraged to consult the National Park Authority's Natural Environment and Rural Economy Team for best practice advice regarding the mix of species and any exceptional circumstances where the use of Ash may be acceptable. Replacement is seldom effective without proper care and maintenance. Appropriate implementation and maintenance that respects wildlife interest will be required and applications should set out how this is to be achieved (see policy DMC13). In some cases, encouraging natural regeneration may be the most appropriate solution.
- 3.125 The use of trees and shrubs in landscaping for development is dealt with in policy DMC3. The special circumstances for removal of trees in Conservation Areas are dealt with in policy DMC8.
- 3.126 Tree Preservation Orders (TPOs) may be used by the National Park Authority to protect important individual trees or small groups, particularly where there is new development. TPOs are generally not appropriate in the open countryside. Here, the main protection