

## **Landscape, biodiversity, access and recreation delivery strategy**

**12.—**(1) No part of the authorised development may commence until a written landscape, biodiversity, access and recreation delivery strategy for that part has been submitted to and approved by the relevant planning authority in writing, in consultation with TWUL.

(2) The landscape, biodiversity, access and recreation delivery strategy submitted for approval must be substantially in accordance with the outline landscape, biodiversity, access and recreation delivery strategy.

(3) The landscape, biodiversity, access and recreation delivery strategy must include details of all proposed hard and soft landscaping works and ecological mitigation and enhancement measures (as applicable for the relevant numbered work) for that part and where applicable include for that part—

- (a) the location, number, species, size and planting density of any proposed planting including the proposed times of such planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) existing trees to be retained;
- (d) an implementation timetable;
- (e) how the plan proposals for that part will, with the exception of the intertidal environment, contribute to the achievement of a minimum of 10% biodiversity net gain in area habitat units, and a minimum of 10% biodiversity net gain in watercourse units for all of the authorised development for thirty years from the date of final commissioning of the authorised development and the metric that has been used to calculate that those percentages will be reached;
- (f) how the landscaping and ecological measures proposed in the plan will be managed and maintained during the operational life of the authorised development to the date on which the decommissioning environmental management plan is implemented pursuant to requirement **Error! Reference source not found.** (decommissioning environmental management plan);
- (g) the flora, fauna and habitat surveys required to be carried out prior to commencement of a numbered work, or following completion of a numbered work in order to monitor the effect of, or inform, the mitigation, management and monitoring measures to be taken forward following those initial surveys;
- (h) the proposals for the establishment of compensatory open mosaic habitat;
- (i) the final routing, specification and maintenance regime for permissive paths and the public rights of way referred to in article **Error! Reference source not found.** and article **Error! Reference source not found.**;
- (j) provision for graziers, including details of accesses and access routes (including their surfacing);
- (k) the final routing, specification and maintenance regime for the diversion and improvement of existing watercourses and the creation of new watercourses;
- (l) a statement to confirm how the design principles and design code have been complied with; and
- (m) the undertaker's proposals for a management plan for the crossness local nature reserve as extended.

(4) The landscape, biodiversity, access and recreation delivery strategy submitted for approval under subparagraph (1) is not required to set out proposals for the intertidal environment.

(5) Any landscape, biodiversity, access and recreation delivery strategy submitted for approval under subparagraph (1) must be accompanied by—

- (a) a report setting out—
  - (i) the engagement activities that the undertaker has undertaken to inform the development of the landscape, biodiversity, access and recreation delivery strategy which must be in accordance with the engagement commitments set out in the outline landscape, biodiversity, access and recreation delivery strategy unless otherwise agreed by the relevant planning authority; and
  - (ii) how the undertaker has had regard to the feedback received during that engagement in the landscape, biodiversity, access and recreation delivery strategy that is submitted for approval;

- (b) copies of any legal agreements with any offsite provider which demonstrate that the delivery of the offsite works which form part of the landscape, biodiversity, access and recreation delivery strategy submitted for approval, and the maintenance of the offsite works for a period of thirty years from the date of the final commissioning of the authorised development, is secured; and
- (c) relevant information setting out the steps (being reasonable steps) that the undertaker has undertaken to secure delivery of the BNG Opportunity Area as the preferred location for offsite works and either—
  - (i) provide confirmation that the BNG Opportunity Area has been secured as the location for offsite works; or
  - (ii) where the BNG Opportunity Area has not been able to be secured as the location for offsite works, provide full details of a proposed alternative location for offsite works.

(6) The landscape, biodiversity, access and recreation delivery strategy submitted for approval may include measures or mechanisms for the creation, improvement or management of habitats outside of the Order limits, or the payment of credits.

(7) Any hedgerow, shrub or tree planted as part of the approved strategy that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority (as applicable), seriously damaged or diseased, must be replaced in the first available planting seasons with a specimen of the same species and size as that originally planted.

(8) Any landscape, biodiversity, access and recreation delivery strategy approved under sub-paragraph (1) must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the strategy relates.

(9) In this paragraph—

- (a) “offsite works” means any works that are required to deliver the outcomes set out in sub-paragraphs (3)(e) and 3(h) as part of the landscape, biodiversity, access and recreation delivery strategy submitted for approval under sub-paragraph (1) that are to take place outside of the Order limits; and
- (b) “BNG Opportunity Area” means the area labelled as such on figure 7-7 of the environmental statement.