

Central Lincolnshire Policy S60: Protecting Biodiversity and Geodiversity Evidence Report

Formerly Policy S59

March 2022



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1. Introduction

- 1.1. The Central Lincolnshire Local Plan is being updated since the first Local Plan for Central Lincolnshire, an area covering the districts of City of Lincoln, North Kesteven and West Lindsey, was adopted in April 2017.
- 1.2. This Evidence Report (which is one of a collection) provides background information and justification for Policy 60 which relates to the protection and enhancement of the ecological network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site, and minimising impacts on biodiversity and features of geodiversity value.
- 1.3. Readers may also wish to refer to the Evidence Report for Policy 61, which relates to increasing biodiversity and enhancing the ecological network through development opportunities.

2. Policy Context

National Policy and Guidance

- 2.1. Since the Central Lincolnshire Plan was adopted the National Planning Policy Framework (NPPF) was updated in July 2018 with subsequent additional changes being published in February 2019 and a further update in July 2021.
- 2.2. Section 15 of the NPPF concerns “Conserving and enhancing the natural environment”. The following paragraphs are particularly relevant:

Paragraph 174 - Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

Paragraph 175 - Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

Paragraph 179 - To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

Paragraph 180 - When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately*

mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.*

2.3. The Planning Practice Guidance (PPG) was first introduced in 2014 which offers 'live' government guidance. The PPG provides guidance to help in the implementation of policy in the NPPF.

2.4. The following paragraphs offer useful guidance in relation biodiversity:

- Paragraph 009 – Is there a statutory basis for seeking to conserve and enhance biodiversity? (Ref ID: 8-009-20190721)
- Paragraph 010 - How can planning authorities plan for biodiversity and geodiversity? (Ref ID: 8-010-20190721);
- Paragraph 016 - How can protected and priority species be considered in planning? (Ref ID: 8-016-20190721);
- Paragraph 018 - How can biodiversity and geodiversity be taken into account in preparing a planning application? (Ref ID: 8-018-20190721);
- Paragraph 019 - What questions are important in applying policy to avoid, mitigate or compensate for significant harm to biodiversity? (Ref ID: 8-019-20190721)

Legislation

2.5. There is a wide variety of legislation and policy provision relating to biodiversity and geodiversity conservation. The key legislation includes:

- The Conservation (Natural Habitats etc.) Regulations 1994 (as amended 2010);
- The Wildlife and Countryside Act 1981 (as amended 2010); the principal act relating to the protection of wildlife in Great Britain;
- The Protection of Badgers Act 1992;
- Natural Environment and Rural Communities Act 2006 – the Central Lincolnshire authorities must, in exercising their functions, have regard, so far as is consistent with the proper exercise of their functions, to the purpose of conserving biodiversity;
- The Countryside and Rights of Way Act 2000;
- National Parks and Access to the Countryside Act 1949;
- The Hedgerow Regulations 1997

The Environment Act (2021)

2.6. The Environment Act was enacted on 9th November 2021. The Act is the Government's response to a requirement for a step-change in environmental protection and recovery. It sets clear statutory targets for improving the natural environment in four priority areas: air

quality, biodiversity, water and waste and includes a new target to reverse the decline in species abundance by the end of 2030.

- 2.7. Schedule 14 of the Act requires grants of planning permission in England to be subject to a condition to ensure that the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least 10%. The biodiversity value of any habitat or habitat enhancement is to be calculated with the biodiversity metric published by the Secretary of State. Before a development can begin, a biodiversity gain plan must be submitted to the planning authority and the planning authority has to approve the plan.

A Green Future: Our 25 Year Plan to Improve the Environment (2018)

- 2.8. The government's 25 Year Environment Plan sets out government action to tackle a wide range of environmental pressures. The Plan promotes a natural capital approach. It identifies six areas around which action will be focused. These include:

- Using and managing land sustainably;
- Recovering nature and enhancing the beauty of landscapes;
- Connecting people with the environment to improve health and wellbeing;
- Increasing resource efficiency, and reducing pollution and waste;
- Securing clean, productive and biologically diverse seas and oceans;
- Protecting and improving the global environment

- 2.9. One of the major commitments within the 25 Year Plan, is the creation of a Nature Recovery Network (NRN) to restore and enhance England's wildlife. The NRN will be a national network of wildlife-rich places and help respond to three big challenges: biodiversity loss, climate change and wellbeing. By 2042, the objective is to restore 75% of protected sites on land to favourable condition, create or restore 500,000 ha of additional wildlife habitat outside of protected sites, recover threatened and iconic animal and plant species by providing more, diverse and better connected habitats, support work to increase woodland cover and, achieve a range of environmental, economic and social benefits, such as carbon capture, flood management, clean water, pollination and recreation.

Local Nature Recovery Strategy (LNRS)

- 2.10. LNRSs are a new system of spatial strategies for nature which will support the delivery of biodiversity net gain and provide a focus for a strengthened duty for all public authorities to conserve and enhance biodiversity. The LNRS will: agree priorities for nature's recovery, map the most valuable existing habitat for nature, and map specific proposals for creating or improving habitat for nature and wider environmental goals.

- 2.11. On 5 November 2020, the GLNP Forum agreed that a LNRS should be for the Greater Lincolnshire area, the GLNP should be the partnership that agrees on the outcomes, priorities and measures within the LNRS and, the following habitat targets be adopted by the GLNP:

- No net loss of Priority or other semi-natural habitat by 2025;
- 10% land area of Greater Lincolnshire is Priority habitat by 2045;
- 25% land area of Greater Lincolnshire is semi-natural habitat within a functioning ecological network.

- 2.12. Work has begun on the preparation of a LNRS for Greater Lincolnshire, which will replace the Biodiversity Action Plan (BAP).

Local Policy

- 2.13. The current approach to biodiversity and geodiversity in Central Lincolnshire is set out in the adopted Central Lincolnshire Local Plan (April 2017), which includes a specific policy in relation to biodiversity and geodiversity (LP21 Biodiversity and Geodiversity). The policy requires all development to:
- protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;
 - minimise impacts on biodiversity and geodiversity; and
 - seek to deliver a net gain in biodiversity and geodiversity.
- 2.14. Proposals for major development should adopt an ecosystem services approach, and for large scale major development schemes (such as Sustainable Urban Extensions) also a landscape scale approach, to biodiversity and geodiversity protection and enhancement identified in the Central Lincolnshire Biodiversity Opportunity Mapping Study.
- 2.15. Development proposals should create new habitats, and links between habitats, in line with Biodiversity Opportunity Mapping evidence to maintain a network of wildlife sites and corridors to minimise habitat fragmentation and provide opportunities for species to respond and adapt to climate change.
- 2.16. The policy also required any development which could have an adverse effect on sites with designated features and / or protected species, either individually or cumulatively to submit an assessment as required by the relevant legislation or national planning guidance.

3. Context and Evidence

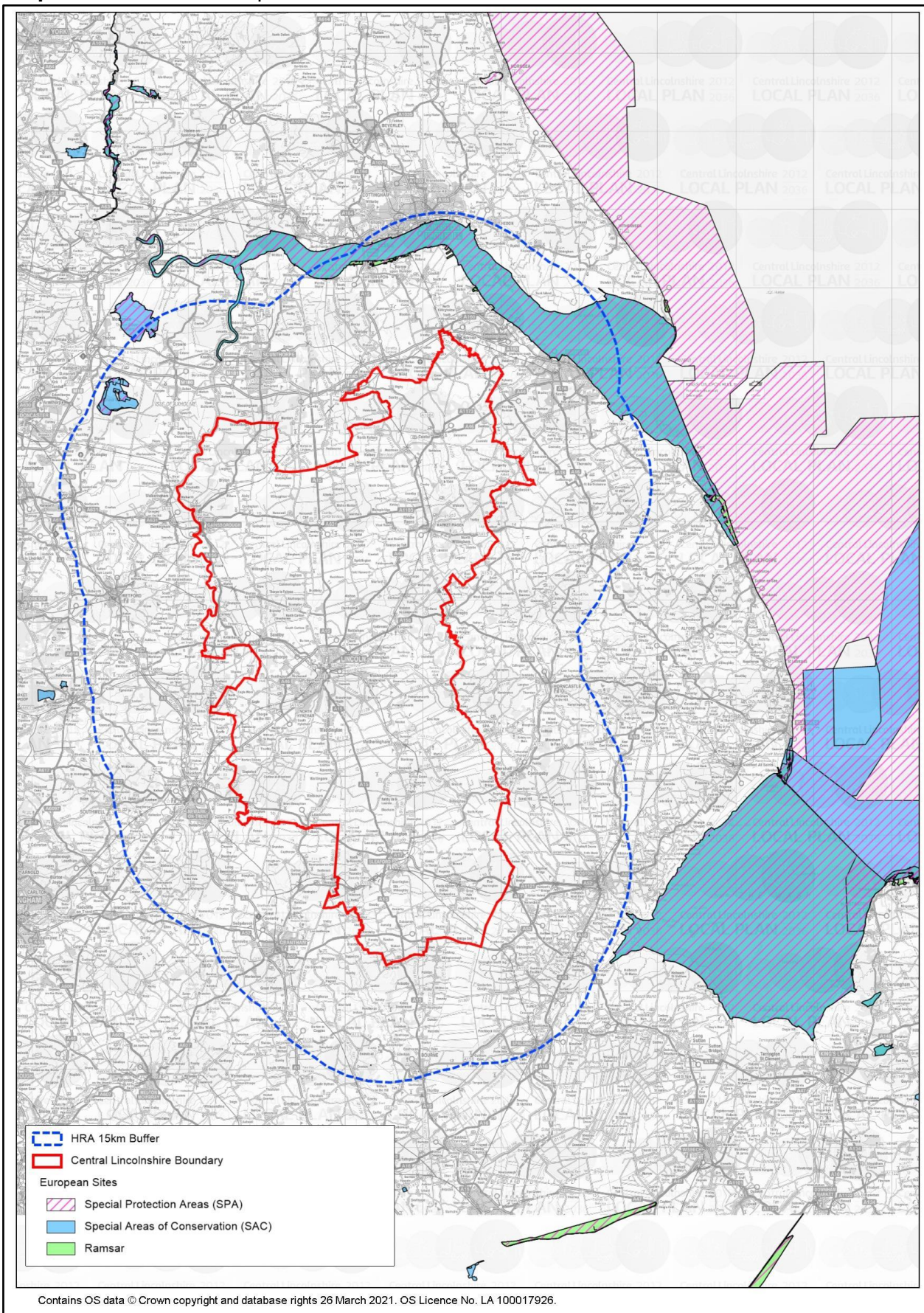
- 3.1. Central Lincolnshire has many areas which are noted for their natural beauty and biodiversity value. These areas also support a wide variety of species and habitats and form an important part of the network of biodiversity sites within the wider environment. Wildlife sites and habitats that are, as at 2020, recognised as being of national, regional and local importance within or partly within Central Lincolnshire include: Bardney Limewoods National Nature Reserve (NNR), over 20 Sites of Special Scientific Interest (SSSI), 383 Local Wildlife Sites (LWS), 17 Local Geological Sites (LGS), and 7 Local Nature Reserves (LNR). These sites support important natural assets, such as ancient woodland, heathland, acid grassland and wetland.

European Sites

- 3.2. There are no Ramsar sites, SACs or SPAs within the boundary of Central Lincolnshire. There are 5 European sites lying outside Central Lincolnshire but wholly within 15km of its boundary: Humber Estuary SAC, Humber Estuary SPA/Ramsar, Thorne Moor SAC, Hatfield Moor SAC and Thorne and Hatfield Moors SPA. These are shown on Map 3.1. The Proposed Submission Local Plan is accompanied by a Habitats Regulation Assessment¹ to determine whether the Local Plan, either alone or in combination with other plans or projects, is likely to have a significant effect on a European site.

¹ Habitats Regulation Assessment – Central Lincolnshire Proposed Submission Local Plan March 2022 (available on the Central Lincolnshire website)

Map 3.1: Location of European Sites within 15km of the Central Lincolnshire Plan Area Boundary



National Sites

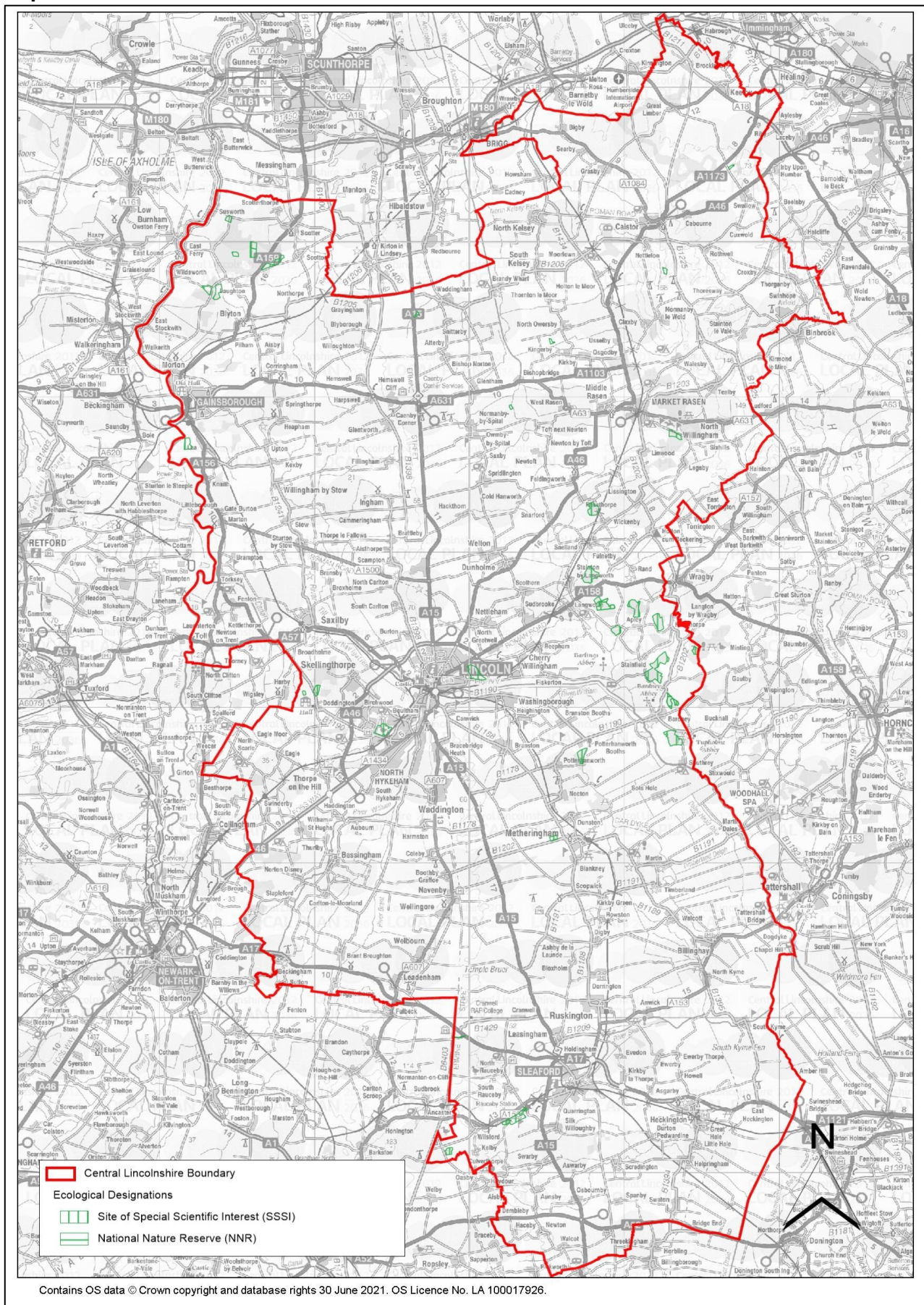
National Nature Reserves (NNRs)

- 3.3. Central Lincolnshire has one NNR: Lincolnshire Limewoods. The Limewoods are made up of a number of areas of ancient woodland covering 16,00ha and home to Britain's largest concentration of traditionally managed small-leaved lime woodland dating back over 5,000 years. There is a visitor centre and butterfly garden in Chambers Farm Wood.

Sites of Special Scientific Interest

- 3.4. SSSIs are designated areas of land which are considered to be of special interest due to their fauna, flora and/or geological features. There are 23 SSSIs within Central Lincolnshire, covering 526 hectares. There has been no change in total area between 2013/14 and 2017/18. SSSIs within Central Lincolnshire include Swanholme Lakes and Greetwell Hollow in Lincoln, Linwood Warren and Bardney Limewoods in West Lindsey and Metheringham Heath Quarry and Wilsford and Rauceby Warren in North Kesteven.
- 3.5. Natural England carries out assessments of the condition of all SSSIs throughout England, in order to ensure the appropriate type of management is in place to conserve and protect them. For the 2017/2018 monitoring period, 364.01 ha of SSSI in Central Lincolnshire were considered to be in favourable condition, 543.69 ha in unfavourable recovering condition, 168.51 ha unfavourable no change condition, and 16.19 ha unfavourable declining condition.

Map 3.2: NNRs and SSSIs within Central Lincolnshire



Local Sites

- 3.6. There are numerous sites of importance for wildlife at the county or local area level within Central Lincolnshire.

Local Nature Reserves (LNRs)

- 3.7. LNRs are statutory designated areas for managed nature conservation and provide opportunities for research and education and for the public to have contact with nature. LNRs are declared by local authorities after consultation with the relevant statutory nature conservation agency. There are currently 7 LNRs within Central Lincolnshire: Whisby Nature Park, Swanholme Lakes, Mareham Marshes, Cross O'Cliff Orchard, Lollycocks Field, Theaker Avenue and Owlet. They are concentrated in and around the main urban areas of Lincoln, Sleaford and Gainsborough.
- 3.8. Natural England's Accessible Natural Greenspace standard recommends that there should be 1 hectare of Local Nature Reserve per 1000 population. There is currently 0.78 ha of LNR per 1,000 population in Central Lincolnshire, which is expected to fall to 0.67 ha of LNR per 1,000 population by 2043 (assuming no further provision comes forward). This falls short of Natural England's recommended standard and suggests a need to increase provision of LNRs to meet recommended standards by 2043. North Kesteven currently meets the standard at 1.12ha LNR per 1,000 population, therefore new provision should be explored in West Lindsey and Lincoln.

Local Wildlife Sites (LWSs)

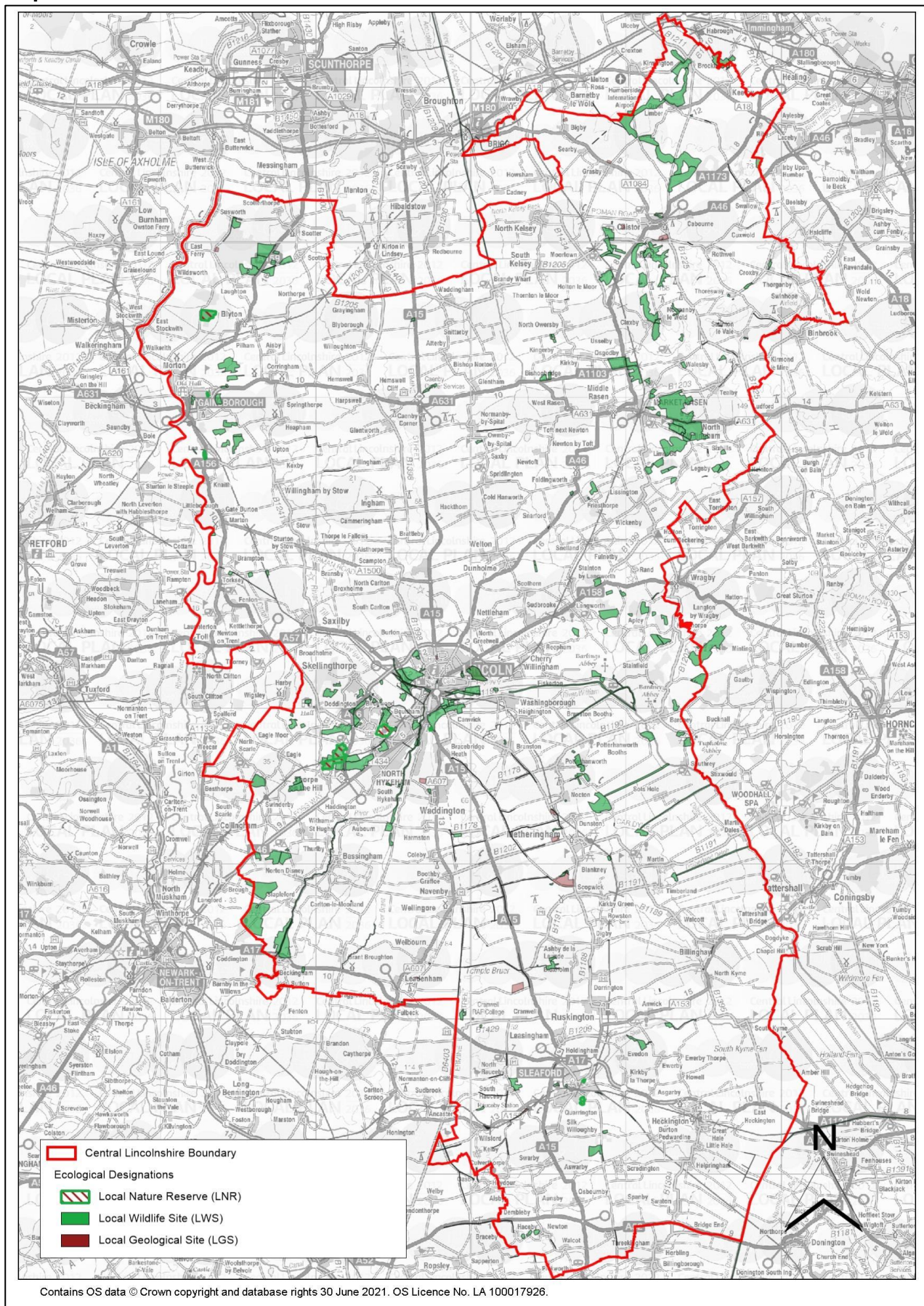
- 3.9. LWSs are wildlife-rich sites selected for their local nature conservation value. They vary in shape and size and can contain important, distinctive and threatened habitats and species. LWSs include all sites that meet local selection criteria written and developed by the LWS panel. The majority are on private land and therefore public access may be restricted. Their designation is non-statutory, and their only protection comes via the planning system.

Local Geological Sites (LGSs)

- 3.10. LGSs are selected for their local geological conservation value. Like LWSs, their designation is non statutory and therefore they rely on protection through the Local Plan.
- 3.11. Of Central Lincolnshire's 400 local sites, only 146 (36%) are currently in positive conservation management².

² GLNP Local Sites Reporting for 2020-21

Map 3.3: Local Sites within Central Lincolnshire



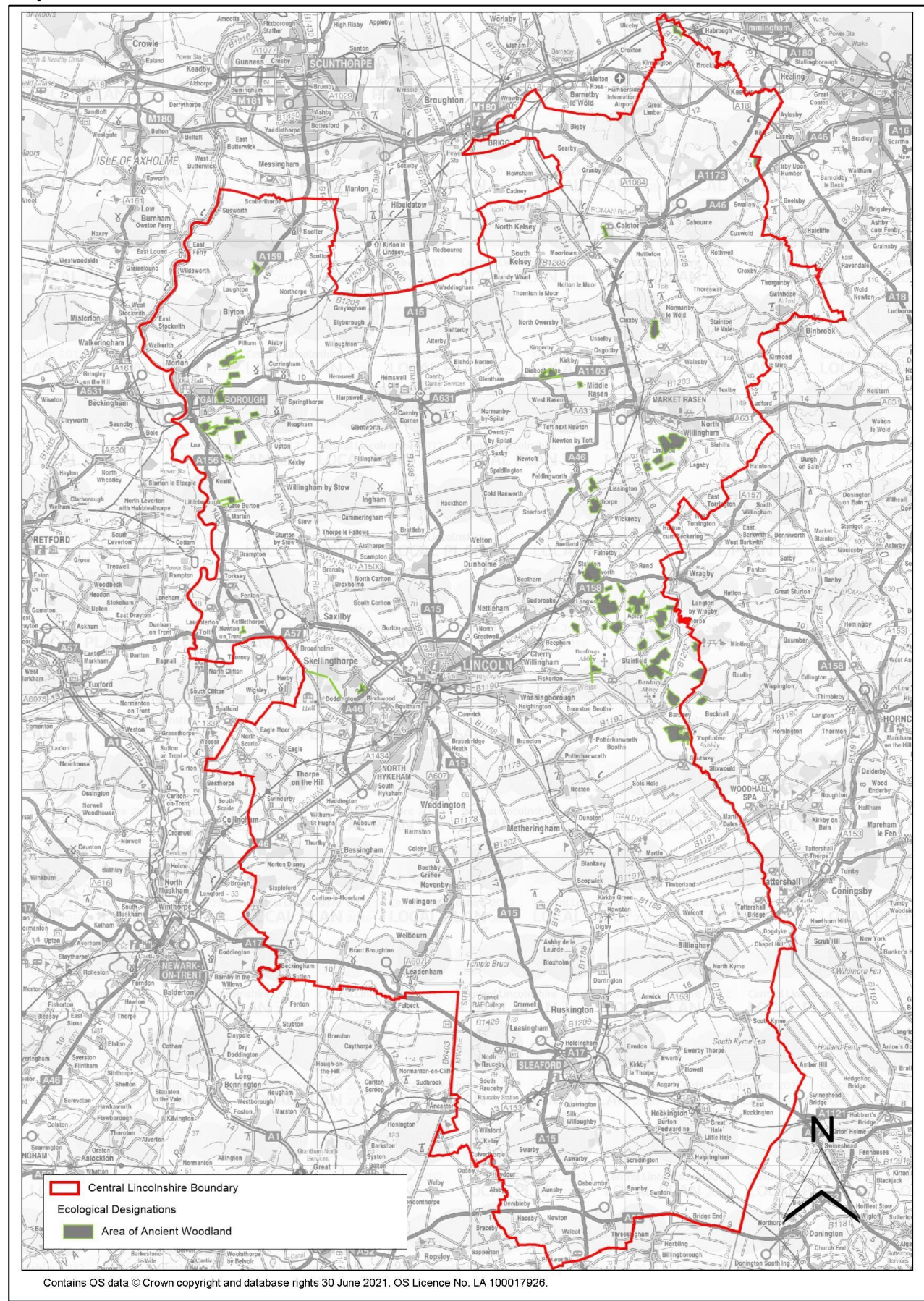
3.12. The Central Lincolnshire authorities have a duty to protect and enhance biodiversity.

Ancient Woodland

3.13. Ancient woodland is defined as land that has been continually wooded since at least 1600AD. It includes: 'ancient semi-natural woodland' – mainly made up of trees and shrubs native to the site, usually arising from natural regeneration; and 'plantations on ancient woodland sites' – areas of ancient woodland where the former native tree cover has been felled and replaced by planted trees, usually of species not native to the site.

3.14. In Central Lincolnshire, there are 42 Ancient Woodlands covering an area of some 2,473 hectares.

Map 3.4: Ancient Woodland within Central Lincolnshire



Priority Habitats and Species

- 3.13. Habitats and species of principle importance for the purpose of conserving biodiversity in England are listed in the Natural Environment and Rural Communities Act 2006, Section 41. The current national list (August 2010) contains 56 habitats of principal importance and 943 species of principal importance.
- 3.14. The Lincolnshire Environmental Records Centre holds over 10 million species records for Lincolnshire and is maintained by the Greater Lincolnshire Natura Partnership (GLNP). Additionally, The Nature Strategy for Greater Lincolnshire (published in 2011, revised 2015) and is called the Lincolnshire Biodiversity Action Plan (BAP - 3rd edition), identify those habitats of importance for the county and include plans for their conservation and management.

4. Issues and Options Consultation

- 4.1. The Issues and Options consultation identified the existing policy in the adopted Local Plan, LP21: Biodiversity and Geodiversity, as a policy not intended to be changed. A small number of comments were received on the proposal to not change the policy. These were:
- This policy is supported, but it should be revised to reflect the new NPPF and the government's 25 year plan for biodiversity net gain, with detailed guidance given to developers – detailed suggestions provided by Natural England and GLNP.
 - Policy could acknowledge the benefits of protecting open watercourses or daylighting culverted watercourses, especially as part of a blue/green corridor, contain SuDS and has potential to support sustainable transport routes.
 - GNLP has improved its Biodiversity Opportunity Mapping methodology – an updated study would ensure that the Central Lincolnshire Local Plan has all 15 the relevant up to date evidence. The number of Local Wildlife Sites, Local Geological Sites and Regional Geological sites in the area have changed since the last plan.
 - Policy should be amended to reflect changes in the NPPF in relation to ancient woodland and veteran trees.

5. Regulation 18 Consultation

- 5.1. A Consultation Draft of the Local Plan was published for consultation between 30 June and 24 August 2021. During this eight week consultation comments were received on the plan, the policies within the plan, and supporting information and evidence. Most people who responded at the Regulation 18 stage were generally supportive of the policy as drafted. The comments received have been summarised as follows:
- Various comments broadly supporting the policy or elements of the policy.
 - Various detailed suggestions to improve the clarity of supporting text and policy wording.

6. Proposed Approach in Draft Local Plan

- 6.1. Rather than the single policy relating to biodiversity and geodiversity contained within the adopted Local Plan, the new Local Plan includes two policies on biodiversity and geodiversity: S60 Protecting Biodiversity and Geodiversity and S61 Biodiversity

Opportunity and Delivering Measurable Net Gains. This report is concerned with the policy on Protecting Biodiversity and Geodiversity.

- 6.2. It was decided to prepare two policies on biodiversity for clarity; one which focuses on the protection of biodiversity and geodiversity assets and the ecological network (S60), and the other which focuses on increasing biodiversity and enhancing the ecological network through development opportunities (S61).
- 6.3. Following careful consideration of the comments received, there are some minor changes to the wording of policy S60 and supporting text in the Proposed Submission version of the Local Plan.
- 6.4. Additional wording has been inserted into the introductory paragraph of the supporting text to provide evidence of the local loss of species in Lincolnshire.
- 6.5. Additional wording has been inserted to identify international designated sites within 15km of Central Lincolnshire and that these sites are protected by the Habitats Regulations.
- 6.6. A footnote has been added in response to the consultation to clearly set out what are “wholly exceptional reasons” in relation to irreplaceable habitats.
- 6.7. Minor changes have been made to the wording of the policy, including requiring development to extend as well as protect, manage and enhance the ecological network.

7. Reasonable Alternative Options

- 7.1. The following alternative options have been considered for this policy (Option 1 being the preferred option within the Draft Local Plan).
- 7.2. Option 2: To have no local policy and rely on national policy in the NPPF to protect, conserve and enhance biodiversity and geodiversity. Option 2 has been discounted, as reliance on the NPPF provides an overarching approach but does not allow decisions to be informed by local priorities, which would represent a missed opportunity. Not to provide a policy would not accord with the NPPF principles. Whilst this option is likely to result in some positive effects on the sustainability objectives, there is more uncertainty around the extent of such effects compared to the preferred option.

8. Conclusion

- 8.1. This Evidence Report demonstrates the rationale for the proposed policy as contained in the Proposed Submission Draft Central Lincolnshire Local Plan. This helps bring together relevant evidence that has informed this policy and how we have responded to comments received during the plan making process, as well as how the latest evidence and national guidance has been taken into account.