

Central Lincolnshire Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains Evidence Report

Formerly Policy S60

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 delivering improvements for biodiversity in association with new development, following the application of the mitigation hierarchy. The policy requires all development proposals to deliver, as a minimum, a 10% measurable biodiversity net gain attributable to the development.
- 1.3. Readers may also wish to refer to the Evidence Report for Policy 59, 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.

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 022 – What is biodiversity net gain?
- Paragraph 023 – How can biodiversity net gain be achieved?
- Paragraph 024 - How does biodiversity net gain fit with the mitigation hierarchy?
- Paragraph 025 – How can biodiversity net gain be calculated?
- Paragraph 026 – What is the baseline for assessing biodiversity net gain?
- Paragraph 28 - What is wider environmental net gain and how can it be achieved?

Legislation

2.5. There is a wide variety of legislation and policy provision relating to biodiversity 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. Biodiversity is the range and richness of habitats and species. The abundance and distribution of the UK's species has declined rapidly since the 1970's¹. There is now an urgent need to reverse the net loss of biodiversity, as this trend is not just a significant problem for wildlife. It has serious implications for the physical environment (air, soil, water) the ability of the natural environment to provide natural resources (such as food and construction materials), our ability to respond to the climate emergency and for our physical and mental health and well-being.

Climate Change Strategies and Action Plans

- 3.2. The Central Lincolnshire authorities, along with many other local authorities in the UK, recognise that there is a current and future climate emergency that requires urgent planning and action. North Kesteven has an approved Climate Emergency Strategy and Action Plan, and West Lindsey has recently published a draft Sustainability, Climate Change and Environmental Strategy for consultation. Both strategies recognise the importance of increasing green infrastructure to increase carbon capture and support biodiversity and ecosystems services.

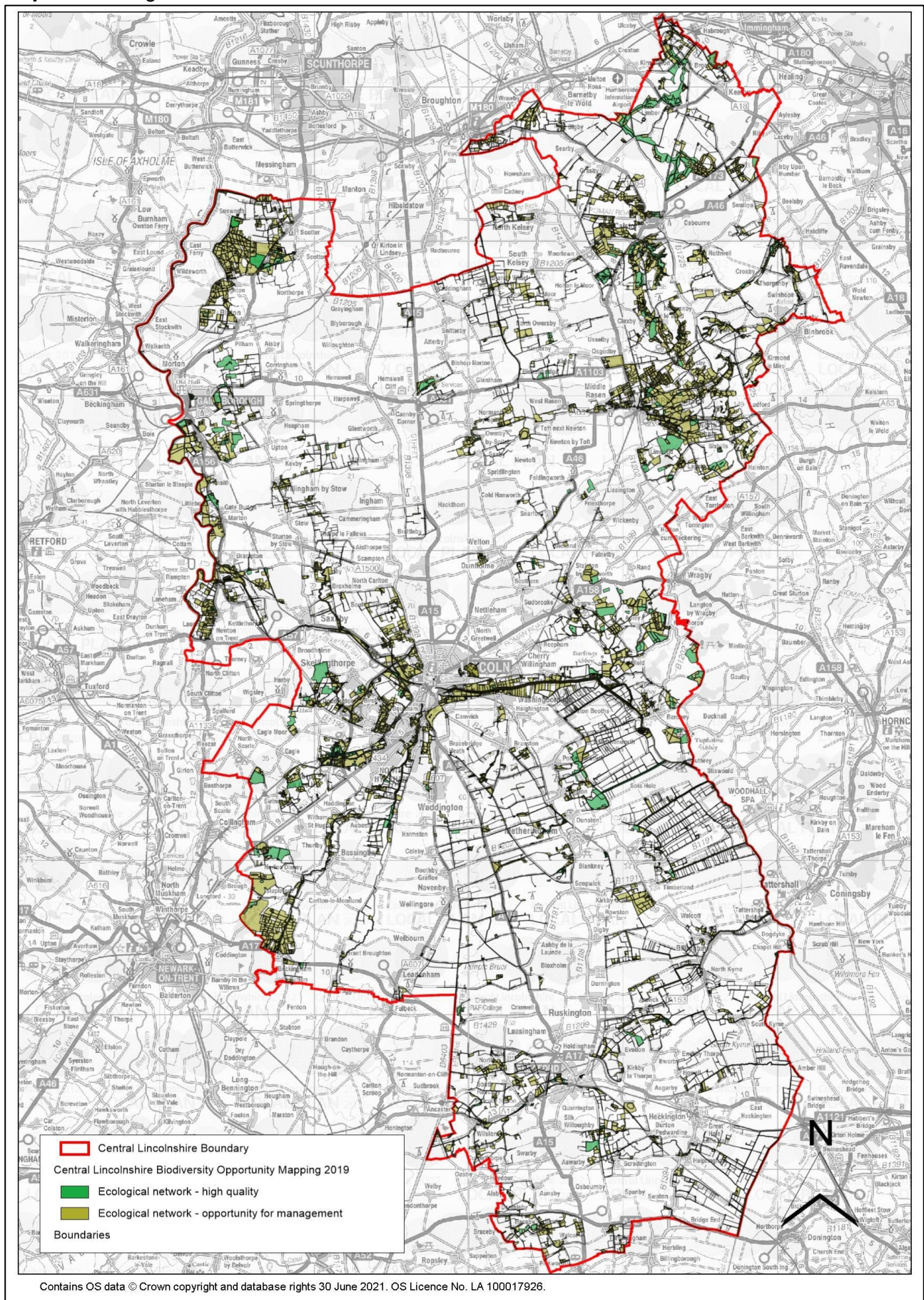
¹ NBN (2019) State of Nature 2019

Central Lincolnshire Biodiversity Opportunity Mapping (BOM)

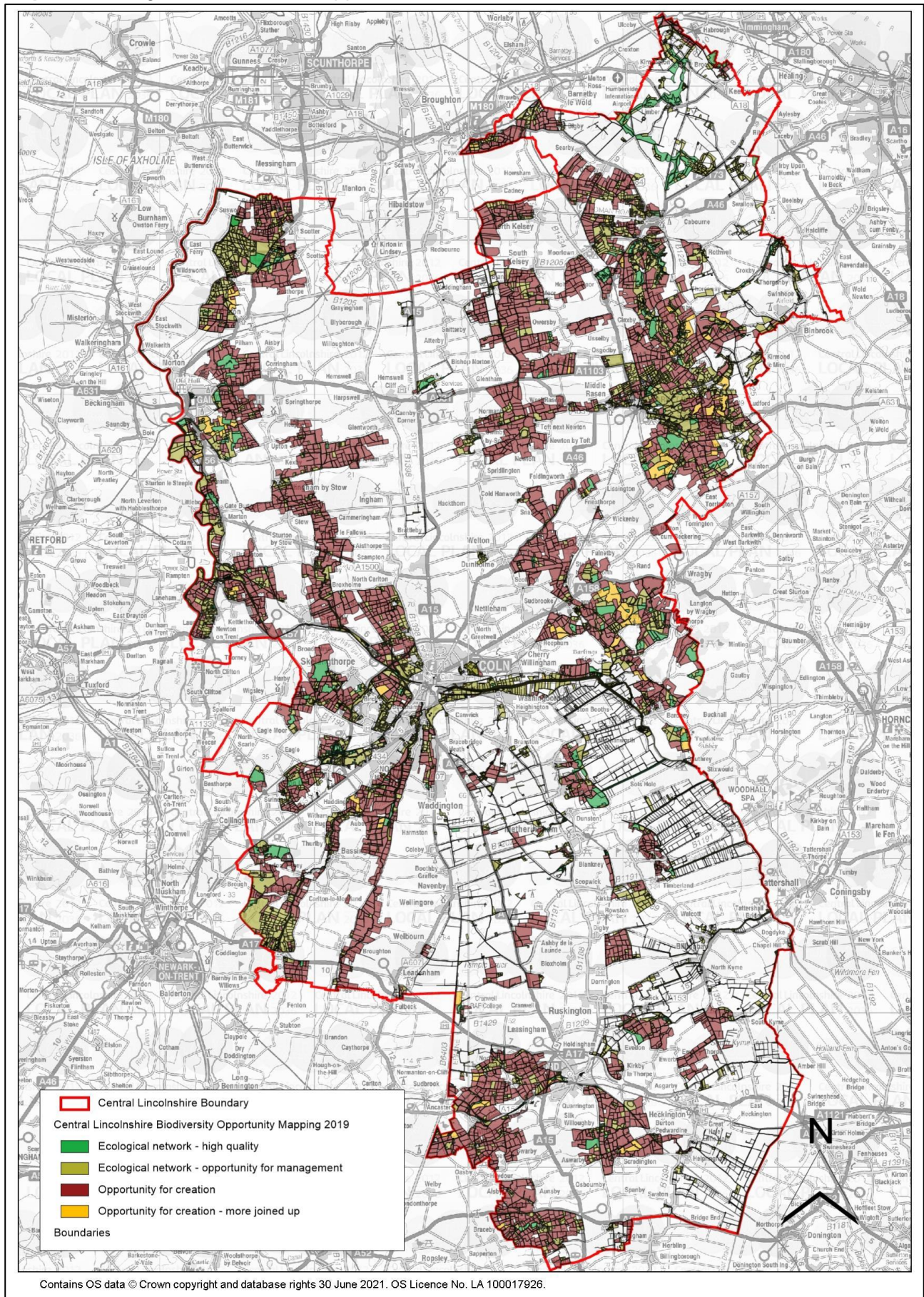
- 3.3. In order to meet the requirements of paragraph 174 of the NPPF, the Central Lincolnshire authorities commissioned the GLNP to prepare revised BOM for the Central Lincolnshire area. This work used the data held by the Lincolnshire Environmental Records Centre (LERC, part of the GLNP) to create a map identifying existing areas of ecological value that are physically linked. A second map was then produced which looked at the potential opportunities for biodiversity around the existing network to identify priorities for future action. The BOM report and accompanying maps² set out further detail on the methodology applied and is available on the Central Lincolnshire website. Map 3.1 and 3.2 below present the outputs from the BOM.

² GLNP Biodiversity Opportunity Mapping for Central Lincolnshire Authorities (November 2019)

Map 3.1: Ecological network in Central Lincolnshire



Map 3.2: Ecological Network and Opportunities for creation



Applying the BOM through the planning process

- 3.4. Following the finalisation of the BOM, the Central Lincolnshire authorities and the GLNP worked together to prepare a set of development principles which could be used when considering site allocations within the Local Plan and when determining planning applications in the context of the BOM and the ecological network. These principles are set out in Appendix 4 to the Draft Local Plan and are to be used in conjunction with policy S61. They are set out under the four BOM categories: Ecological network – high quality area, Ecological network – opportunity for management area, Opportunity for creation and Opportunity for creation – more joined up.

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. 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.
- Various comments suggesting the policy needs rewording, especially in relation to paragraph 1, the requirement for a minimum 10% measurable biodiversity net gain and preference for on-site over off-site biodiversity net gain.
- Concern that the policy is premature - the Environment Bill has not been enacted. Policy should reflect the NPPF.
- Concern that the policy as written would add a further cost burden on developers, which could make development unviable.
- Suggestion that the evidence behind the policy is lacking / weak, in relation to viability.
- Concern around policy implementation.

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: S59 Protecting Biodiversity and Geodiversity and S60 Biodiversity Opportunity and Net Gain. This report is concerned with the policy on Biodiversity Opportunity and Net Gain.
- 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 S61 and supporting text in the Proposed Submission version of the Local Plan.
- 6.4. The first paragraph of the supporting text has been amended to reflect the enactment of the Environment Bill 2021.
- 6.5. Text has been inserted into paragraph 4 of the supporting text to clarify that biodiversity enhancements can include both the creation of new habitats as well as improving existing habitats and to add improve and re-naturalise waterways as a potential enhancement.
- 6.6. Paragraph 6 of the supporting text has been expanded to provide more detailed explanation of Natural England's Biodiversity Metric and to add a web-link to the metric and user guidance.
- 6.7. In terms of the policy wording, the main change from the Regulation 18 version is the insertion of wording at paragraph 5 to provide further clarity on off-site biodiversity net gains.
- 6.8. Some respondents to the Regulation 18 consultation expressed concern around the requirement for seeking wider environmental net gains within the policy. The Central Lincolnshire Authorities are supportive of the principle of wider environmental net gains. The NPPG states that Local Plans can set out policies for environmental net gain, which reflects the aspiration of the 25YP. A link has been added to the supporting text to Natural England's Enabling a Natural Capital Approach guidance and the term environmental net gain has been added to the Local Plan glossary.
- 6.9. The NPPG states that "metrics to measure and monitor aspects of wider environmental net gain are under development". In July 2021, Natural England published a BETA version of The Environmental Benefits from Nature Tool³, designed to work alongside the Biodiversity Metric 3.0 to provide a means of considering the direct impact of land use change across 18 ecosystem services.

Why 10% biodiversity net gain?

- 6.10. In December 2018, the government launched a consultation on introducing mandatory biodiversity net gain within the Planning System.⁴ The outcome of that consultation was

³ [The Environmental Benefits from Nature Tool - Beta Test Version - JP038 \(naturalengland.org.uk\)](https://naturalengland.org.uk/jp038)

⁴ Defra (December 2018) Net Gain: Consultation Proposals. https://consult.defra.gov.uk/land-use/net-gain/supporting_documents/netgainconsultationdocument.pdf

published in July 2019. In terms of the appropriate level of net gain that should be required, the government conclusions from the consultation were as follows:

“We asked whether 10% biodiversity gain would be a suitable level for a mandatory requirement. A significant majority of respondents supported the mandatory approach, with respondents arguing for both a higher and a lower percentage figure. On balance, we believe requiring 10% gain strikes the right balance between ambition, certainty in achieving environmental outcomes, and deliverability and costs for developers. Legislation will therefore require development to achieve a 10% net gain for biodiversity. In line with consultation responses, legislation will work with the grain of the planning system to achieve the desired environmental outcomes without adding unnecessary process”.⁵

- 6.11. The Central Lincolnshire authorities are therefore of the view that the 10% net gain requirement is a suitable level at which to set a mandatory requirement because this figure has been widely consulted on by Government and will be set out in legislation.

Natural England Biodiversity Metric

- 6.12. In order to demonstrate that there has been a measurable net gain in biodiversity, it is necessary for there to be a numerical assessment of the pre and post-development biodiversity. This provides clarity and certainty for developers, the planning authority and other stakeholders. The supporting text to policy S61 states the preferred metric for calculating biodiversity net losses and gains is the Natural England Biodiversity Metric (current version 3.0). This is a fully tested metric, developed with input from a wide range of environmental organisations, developers, land managers, Government agencies and other interested parties. Its use will ensure consistency across the plan area.

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: Go beyond the Environment Act and require a higher % of biodiversity net gain from all new development proposals. This option has been discounted, as whilst it the SA demonstrated that it could deliver significant positive impacts against sustainability objectives, there is a risk that mandating a higher requirement could negatively impact upon development viability. It is also likely to require significant off-site delivery of net gain.
- 7.3. The 10% requirement has been tested through the Local Plan Whole Plan Viability Report and was found to be achievable alongside other policy requirements within the plan. The preferred policy does not prevent a higher percentage of net gain being delivered if this is desired by the applicant.

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

⁵ Defra (July 2019) Net gain: Summary of responses and government response, page 5.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819823/net-gain-consult-sum-resp.pdf

received during the plan making process, as well as how the latest evidence and national guidance has been taken into account.