Rossendale
BOROUGH COUNCIL

SCHEDULE OF ACTIONS MATTER 16 (ENVIRONMENT) (Action 16.1)

GREEN INFRASTRUCTURE AND ACHIEVING NET GAIN

16.1	ENV5 Green Infrastructure: Produce a note to the Inspector explaining how this policy would be applied and justify the requirements, including the viability implications of development providing 20% net gain and how the various ecological designations identified in the Lancashire Ecological Network Study are to be incorporated into the policy.

1. Introduction

1.1 This note has been prepared to provide further information to the Inspectors, as part of the emerging Rossendale Local Plan Examination. During the hearing on Matter 16 (Environment), the Inspector queried how the Green Infrastructure policy was to be applied in practice, particularly in relation to achieving 20% net gain in biodiversity. This was particularly the case for any development on brownfield land which was located within the wider green infrastructure network. The viability implications of biodiversity net gain requirement will be discussed within the note on Action 20.2 (Viability).

1.2 The note will also set out how various ecological designations identified through the Lancashire Ecological Network Study are to be used in implementing the policy.

2. Background

2.1 Green infrastructure can embrace a range of spaces and assets that provide environmental and wider benefits. It can, for example, include parks, playing fields, other areas of open space, woodland, allotments, private gardens, sustainable drainage features, green roofs and walls, street trees and 'blue infrastructure' such as streams, ponds, canals and other water bodies. It is a natural asset that, as well as having a biodiversity function, provides multiple community benefits such as enhanced wellbeing and better health, outdoor recreation, enhanced landscape, reducing air pollution and noise, carbon storage and the management of flood risk.

2.2 It also has wider economic benefits in that it can help to create high quality environments which are attractive to businesses and investors.

What is net gain?

2.3 Net gain in planning describes an approach to development that leaves the natural environment in a measurably better state than it was beforehand. Net gain is an umbrella

term for both biodiversity net gain and wider environmental net gain. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures.

National legislation

2.4 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making and achieving net gain in biodiversity can help local authorities meet this.

2.5 The draft Environment Bill, as introduced in January 2020, sets out a biodiversity gain objective of 10% within Schedule 14. It is also noted that the Secretary of State could amend this percentage via new regulations.

National planning context

NPPF Chapter 15: Conserving and enhancing the natural environment

2.6 Paragraph 170 of the NPPF states that planning policies should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The emerging Local Plan identifies an ecological network, represented by the green infrastructure designation shown on the Policies Map.

2.7 Paragraph 174 goes on to state that plans should identify and pursue opportunities for securing measurable net gains for biodiversity. In relation to determining planning applications, paragraph 175 states that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. The emerging Local Plan proposes a target of 20% net gain in biodiversity for development proposals.

Planning Practice Guidance (PPG) Natural environment

2.8 This PPG explains the key issues in implementing policy to protect and enhance the natural environment, including local requirements. This states that green infrastructure opportunities and requirements need to be considered at the earliest stages of development proposals, as an integral part, taking into account existing natural assets and the most suitable locations and types of new provision. It includes information on how biodiversity and wider environmental net gain can be achieved through the planning system.

3. Emerging Local Plan policy

3.1 Policy ENV5 (Green Infrastructure networks) states that development proposals will be expected to support the protection, management, enhancement and connection of the green infrastructure network, as identified on the Policies Map. Development proposals should seek first to avoid or, if not feasible, mitigate biodiversity impacts on-site. Specifically in relation to net gain, the policy states that schemes which would result in a net loss of green infrastructure on-site will only be permitted if the loss resulting from the proposed development would be replaced by equivalent or better provision elsewhere (achieving an overall net gain in biodiversity offsite compared to that lost including long-term management proposals).

3.2 The explanatory text to the policy goes on to say that a mitigation hierarchy to the loss of green infrastructure will be applied. Wherever possible, development proposals should avoid damaging the existing assets within the site. Where this is not possible, the remaining green infrastructure on site should be enhanced to achieve “no net loss”.

3.3 Development proposals which result in a net loss of on-site green infrastructure will only be permitted where there are clear proposals submitted and agreed for off-site net gain, including management proposals to ensure biodiversity or other infrastructure gains are deliverable in the long term. This should be at a minimum of 20% net gain unless the applicant can demonstrate this is not feasible.

Application of the policy

3.4 PPG makes clear that planning conditions, obligations or a unilateral undertaking can, in appropriate circumstances, be used to require that a planning permission provides for works that will measurably increase biodiversity. This may involve, for example, creating new habitats, enhancing existing habitats, providing green roofs, green walls, street trees or sustainable drainage systems. Relatively small features can often achieve important benefits for wildlife, such as incorporating ‘swift bricks’ and bat boxes in developments and providing safe routes for hedgehogs between different areas of habitat. In addition, the Borough hosts many culverted rivers, brooks or streams and de-culverting in association with development proposals can enhance biodiversity.

3.5 Off-site measures can sometimes be secured from ‘habitat banks’, which comprise areas of enhanced or created habitats which generate biodiversity unit ‘credits’. Discussions with local wildlife organisations, such as the Lancashire Wildlife Trust, can also help to identify appropriate solutions, and tools such as the biodiversity metric (explained below) can be used to assess whether a biodiversity net gain outcome is expected to be achieved. Furthermore, the Lancashire Ecological Network maps identify Core Areas and Stepping Stone Habitats which are ecologically important habitats where off-site contributions could be directed to.

3.6 An ecological survey will be necessary if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate.

Pre-application discussions can help to find out whether this is the case and, if so, the extent of the survey work required.

How can biodiversity net gain be calculated?

3.7 The Department for Environment, Food and Rural Affairs (DEFRA) has developed a "biodiversity metric 2.0[1]" which can be used to demonstrate whether or not biodiversity net gain will be achieved. It enables calculation of losses and gains by assessing the following habitat factors:

- Distinctiveness - whether the type of habitat is of high, medium or low value to wildlife;
- Condition - whether the habitat is a good example of its type;
- Strategic significance – whether the habitat is of particular importance to the local area;
- Connectivity – whether the habitat is near a similar or related habitat;
- Extent - the area that the habitat occupies.

3.8 The information needed to populate this metric is taken from habitat surveys of the site before development and any related habitat clearance or management, and for both the habitats proposed and any additional habitat improvement off-site. The metric translates habitat factors above into a score which is presented in biodiversity units. The existing biodiversity value of a development site will need to be assessed at the point that planning permission is applied for and, to achieve net gain, a development must have a sufficiently higher biodiversity unit score after development than before.

Costs of achieving net gain

3.9 Green infrastructure will require sustainable management and maintenance if it is to provide benefits and services in the long term. Arrangements for funding need to be identified as early as possible, and factored into the design and implementation, balancing the costs with the benefits. Local community engagement can assist with management and tailoring provision to local needs.

Justification for ENV5

3.10 As demonstrated above, the Council has a duty to conserve biodiversity generally and specific planning policy makes clear that opportunities to achieve measurable net gain should be pursued. Therefore, there is little question that the principle of this policy is soundly based.

[1] Natural England, The Biodiversity Metric 2.0, auditing and accounting for biodiversity, User Guide, Beta Version (July 2019): http://publications.naturalengland.org.uk/file/5366205450027008

3.11 However, in relation to the specific policy requirements, the Council acknowledge that certain aspects, such as the percentage of net gain to be achieved, may need to be amended, in line with current advice and practice. DEFRA have consulted on net gain proposals. The final policy on this has yet to be published but the Government have provided a response[2] to the consultation findings. In the consultation, a requirement to achieve 10% biodiversity gain was suggested and there was general agreement that this was a suitable level. The Government have therefore stated that legislation will require development to achieve a 10% net gain for biodiversity. The Council therefore accept that the requirement of 20% net gain would exceed the proposed mandatory requirement.

3.12 Furthermore, it is acknowledged that the Green Infrastructure network as shown on the Policies Map washes over brownfield sites (e.g. car parks and buildings) and their role within the Green Infrastructure Network can be questioned. However, their importance is due to their strategic position within a corridor between important ecological sites. As mentioned above in the application of the policy, small features can bring important benefits to wildlife. Therefore, developments on previously developed land would still be expected to support the protection and enhancement of the Green Infrastructure.

3.13 A discussion took place at the examination hearing about whether the requirement for biodiversity net gain should be brought into the policy text. However, instead of adding the requirement to Policy ENV5, the Council would like to introduce this requirement in the Strategic Policy ENV1 as biodiversity net gain would also apply to development proposals situated outside of the Green Infrastructure network. Therefore, a proposed Main Modification to Policy ENV1 is proposed as follows:

"*m) There is no adverse impact to the natural environment, biodiversity and green infrastructure unless suitable mitigation measures are proposed <u>and the Council will seek a 20% biodiversity net gain</u>;*"

<u>Viability</u>

3.14 The Government's consultation response[3] stated (in relation to housebuilding) that they will do more work to address viability concerns to ensure that net gain does not prevent, delay or reduce development. They have also promised to consider whether minor residential development could be subject to longer transition arrangements or a lower net gain requirement than other types of development. This may also include means of ensuring that smaller developments do not face additional new survey requirements.

[2] DEFRA, Net gain: summary of responses and government response (July 2019): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819823/net-gain-consult-sum-resp.pdf

[3] Net gain, Summary of responses and government response, July 2019 (Department for Environment Food & Rural Affairs). Accessed August 2020 at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819823/net-gain-consult-sum-resp.pdf

3.15 The emerging requirement of achieving 20% net gain will be assessed in the updated Viability Study, along with a 10% requirement.

Developments on brownfield land within the green infrastructure network

3.16 As set out in the government's response to net gain consultation, sites which do not possess habitats to start with (e.g. those entirely comprising buildings and sealed surfaces) will not be required to deliver compensatory habitats through biodiversity net gain, but would often be required to incorporate some green infrastructure through wider planning policy. In Rossendale's case, this may be through open space or sports pitch policies and through other environmental policies, such as ENV4 which asks that, wherever possible, development should enhance ecological sites and networks. In practice, this could mean providing trees, hedgerows or some form of amenity greenspace on-site whenever possible.

3.17 Clearly, the guidance on net gain has not yet been fully explored and finalised and there is little national precedent to take best practice from. The Council will take into account any further policy or guidance issued by government as part of decision making. In addition Rossendale sees the importance of working with other partners, such as other districts, the County Council, Lancashire Wildlife Trust, Pennine Prospects, Moors for the Future, and landowners and developers to ensure Rossendale's biodiversity is improved and additional benefits gained including flood prevention, better air quality etc.

Incorporating the information from the Lancashire Ecological Network Study

3.18 The Lancashire Environment Record Network and the Wildlife Trust for Lancashire, Manchester and North Merseyside produced maps of woodland and grassland ecological networks within Lancashire. A draft heath and wetland map has also been produced but has not been included in the final Lancashire Ecological Network due to issues with the methodology. The approach used to map this ecological network is described in the Lancashire Ecological Network Approach and Analysis (Version I) [EB026].

3.19 The network is composed of core sites which have ecological importance at the international, national and county level and of corridors which enable species to move between core sites. There are three types of corridors: linear corridors (e.g. hedgerows, bands of woodland, watercourses), stepping stones (e.g. patches of intact habitats) and landscape corridors (e.g. mixed habitat types).

3.20 The Green Infrastructure designation as shown on the Policies Map comprises the currently designated 'Greenlands' of the adopted Core Strategy and the grassland and woodland ecological networks described above. The wetland and heath corridor was at a draft stage at the time of the preparation of the Plan and therefore was not included in the Green Infrastructure designation. It is to be noted that the Green Infrastructure designation does not make the distinction between core sites and corridors. However, sites of national, county and local ecological importance are specifically designated on the Policies Map (i.e.

Sites of Special Scientific Interest, Local Nature Reserve, Biological Heritage Sites, Local Geodiversity Sites and Important Wildlife Sites).

4. Conclusion

4.1 The Green Infrastructure designation and policy aim to protect, enhance and restore important ecological habitats as well as open spaces which provide multiple functions or ecosystem services to the local community and society in general, including carbon storage, flood risk prevention, pollution reduction and improving health and well-being.

4.2 The Council acknowledge the need to align with national policy and would like to introduce the net gain biodiversity requirement to the strategic policy ENV1 . Depending on the results from the viability study, the Council could reduce the biodiversity requirement to 10%.