



	Local Plan Committee	Item 10
	7 August 2023	
Report of	Shelley Blackaby Principal Planning Policy Officer (Environment)	07977 184926
Title	Local Nature Recovery Strategy & Biodiversity net gain	
Wards affected	All wards affected	

1. Executive Summary

- 1.1 The Environment Act introduced Local Nature Recovery Strategies and mandatory biodiversity net gain. This report provides an introduction to both for Members information.

2. Recommended Decision

- 2.1 This report is for information only.

3. Reason for Recommended Decision

- 3.1 This report is for information only.

4. Alternative Options

- 4.1 The alternative is not to update the committee but owing to the links between Local Nature Recovery Strategies and biodiversity net gain and the Local Plan Review, it is useful for Members to be kept informed.

5. Background Information

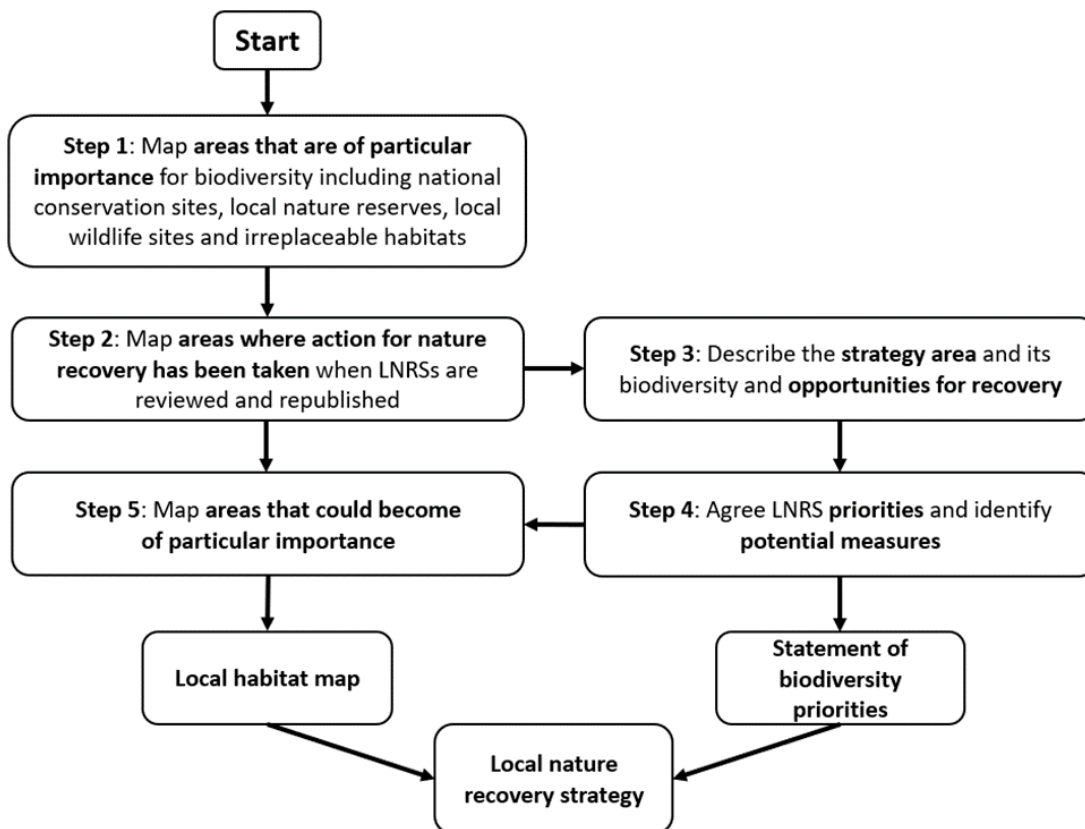
5.1 The Environment Act 2021 introduced Local Nature Recovery Strategies and mandatory biodiversity net gain. This report provides an introduction to both for Members information. The Local Plan Review will need to take into account the Essex Local Nature Recovery Strategy and biodiversity net gain and Members will be kept informed of the progress of both through the ongoing work on preparing the Local Plan.

Local Nature Recovery Strategies (LNRS)

5.2 Local Nature Recovery Strategies (LNRS) were introduced in the Environment Act 2021. They are a new system of spatial strategies, which will:

- support efforts to recover nature across England;
- help planning authorities incorporate nature recovery objectives;
- support the delivery of biodiversity net gain; and
- help deliver national environment targets.

5.3 The Government published LNRS regulations and statutory guidance earlier this year which effectively establishes the 'rules' to enable high quality and consistent LNRSs to be prepared across England. It is understood that government is working on guidance about how LNRS and Local Plans will work together and your Officers have been involved in workshops, led by the Planning Advisory Service (PAS), to discuss this. The diagram, below, is included in the statutory guidance and sets out the step-by-steps rules to be followed.



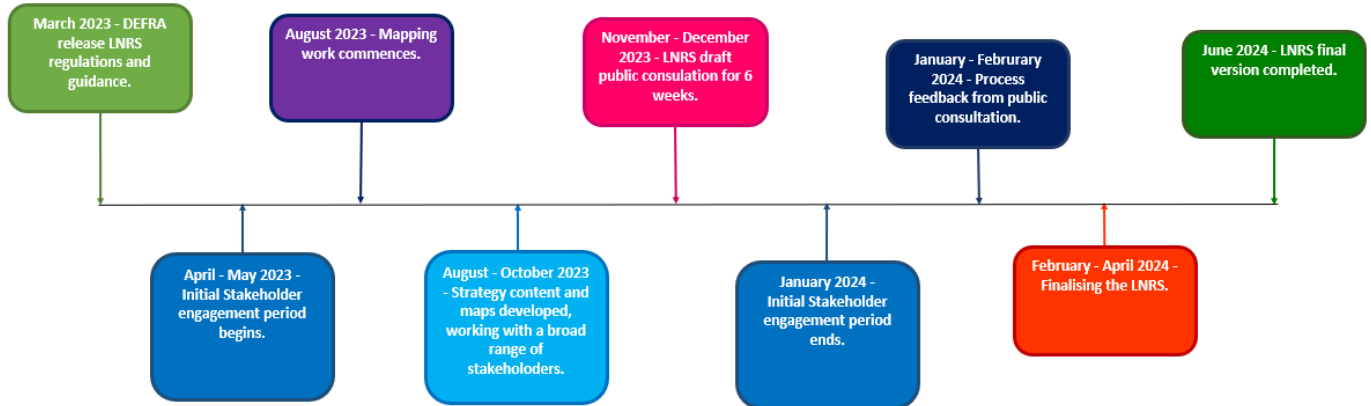
- 5.4 Essex County Council is the ‘Responsible Authority’ and has responsibility for preparing the Essex LNRS. Colchester City Council is a ‘Supporting Authority’. The Council has a role to play in preparing the Essex LNRS and as local planning authority, we have a role to play in incorporating the Essex LNRS into the Local Plan Review and ensuring that the Essex LNRS takes account of work on the emerging Local Plan.
- 5.5 The LNRS regulations state that Responsible Authorities must “take reasonable steps to involve” supporting authorities, “have regard” to their opinions, share information with them and seek their agreement before consultation and publication. Officers have met with Essex County Council’s Local Nature Recovery Co-ordinator and monthly meetings have been set up to involve Supporting Authorities and allow two-way exchange of information. The Colchester Representatives are from the Planning Policy team, who are engaging with other relevant Officers to ensure all relevant interests are covered from CCC. There are numerous other stakeholders involved in the LNRS and the diagram, below, sets out the delivery structure.

LNRS Delivery Structure Diagram



- 5.6 Essex County Council has prepared a timetable for production of the Essex LNRS, see below. It is expected that the LNRS will be finalised in June 2024. Officers will engage and collaborate and ensure that, when needed, a Council response is prepared within the timeframes when requested.

Local Nature Recovery Strategy Timeline 2023 - 2024



Biodiversity net gain

5.7 Biodiversity net gain (BNG) is an approach to development that aims to leave the natural environment in a measurably better state than it was beforehand. It is not business as usual – it is a different way of designing a development scheme to leave the natural environment in a better state than it was found. 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.

5.8 BNG will become mandatory for major applications in November 2023 and for minor applications in April 2024. Secondary legislation and government guidance is yet to be published. The adopted Local Plan includes a requirement for 10% BNG and Officers are implementing this policy ahead of BNG becoming mandatory.

5.9 BNG has many benefits, including:

- contributes towards nature recovery by enhancing existing or creating new habitat;
- creates and connects habitats in which species can thrive and in doing so can help wildlife adapt to climate change;
- contributes towards strategic scale and better joined up green and blue infrastructure networks;
- delivers priorities for nature set out in Local Nature Recovery Strategies;
- improves our health and wellbeing by creating new or enhancing existing greenspaces;
- creates greener neighbourhoods that are more attractive places to live, work and do business;
- helps mitigate climate change through the restoration and protection of nature.

5.10 BNG is measured using the Biodiversity Metric, the latest version of this is 4.0. The Biodiversity Metric is a biodiversity accounting tool that can be used for the purposes of calculating BNG. The Biodiversity Metric is a habitat based approach

used to assess a sites value to wildlife. The metric uses habitat features to calculate a biodiversity value. Habitats are classified using the UK Habitat classification system. The Biodiversity Metric calculates how a development will change the biodiversity value of a site. The metric calculates the value as biodiversity units. The Biodiversity Metric uses changes in the extent and quality of habitats as a proxy for nature and compares the habitat found on a site before and after development.

- 5.11 Four key factors underpin this comparison: habitat size (area or length); condition; distinctiveness (based on the type of habitat and its distinguishing features, e.g. consideration of species richness and rarity), and strategic significance (value given to habitats located in optimal locations or which meet local objectives for biodiversity in the Local Nature Recovery Strategy). To use the biodiversity metric calculation tool, applicants will need to know the types of habitat on-site and off-site; the size of each habitat parcel in hectares or kilometres if it is linear (rivers and streams, hedgerows and lines of trees); the condition of each habitat parcel; and whether the site is in locations identified as local nature priorities.
- 5.12 Biodiversity units are given for post development BNG measures, these can be onsite, offsite, or as a last resort, through purchasing statutory credits. Onsite units are delivered through habitat creation/enhancement via landscaping/green infrastructure. Offsite units are delivered through habitat creation/enhancement, including via habitat banks, with public and private landowners. A national register will be established whereby landowners can register sites and applicants can purchase units to demonstrate to the LPA BNG of at least 10%. As a last resort, where BNG cannot be delivered onsite or offsite, credits can be purchased, which fund and deliver through large-scale habitat projects delivering high value habitats which can also provide long-term nature-based solutions.
- 5.13 The LNRS can be used to target offsite BNG so that it contributes to the Local Nature Recovery Network. Offsite BNG sites that deliver the best outcomes for nature can be encouraged by the Council.
- 5.14 Officers have been part of an Essex-wide group of Officers who have produced a template BNG Supplementary Planning Document. Once secondary legislation and government guidance has been published this will be updated.

Strengthened biodiversity duty

- 5.15 Section 102 of the Environment Act also introduces a strengthened duty under s40 of Natural Environment and Rural Communities (NERC) Act 2006 for Councils to conserve and enhance biodiversity. Public authorities must periodically consider what actions they can take to conserve and enhance biodiversity and then take that action.
- 5.16 Local Authorities must publish biodiversity reports, which contain:
 - A summary of the action the authority has taken over the reporting period and plans for actions over the subsequent period.

- A summary of the action taken by the authority in carrying out its functions under the BNG obligation.
- Information about any biodiversity gains resulting from biodiversity gain plans approved by the authority.
- A summary of the authority's plans for carrying out those functions over the subsequent reporting period.

5.17 The first Biodiversity Report must be published no longer than three years after the day the strengthened duty comes into force (January 2023, so January 2026 at the latest). Subsequent reports must be published no longer than 5 years after the previous.

Local Plan Review

5.18 The Local Plan Review will take account of the LNRS. This could be through showing on the policies map, areas in the LNRS that may become important and including measures set out in the LNRS in policies.

5.19 Through the Local Plan Review, the Council can consider whether it would be appropriate and viable to set a BNG target above 10%. As part of the call for sites, Officers intend to ask landowners to submit sites for offsite BNG.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link:

<https://cbccrmdata.blob.core.windows.net/noteattachment/Equality%20Impact%20Assessment%20June%202017.pdf>

7. Strategic Plan References

- 7.1 'Conserve and enhance biodiversity' is one of the priorities under the 'Respond to the climate emergency' theme. Relevant goals include enhance environments to create more space for nature to grow and thrive through natural seeding and greening; discover, nurture and enable the work led by communities that promotes biodiversity; plant native species and manage our woodlands, meadows and greenspace whilst sustaining existing habitats; and work alongside communities to maintain clean, green neighbourhoods and urban spaces that we all look after and enjoy.

8. Consultation

- 8.1 Not relevant as this report is for information. Government has consulted on LNRS Regulations and guidance and BNG.

9. Publicity Considerations

- 9.1 Essex County Council are the Responsible Authority for the LNRS and will publicise it.

10. Financial implications

- 10.1 These new duties involve considerable work for the Council. Government has issued a new burdens grant which will help in the short term.

11. Health, Wellbeing and Community Safety Implications

- 11.1 A healthy environment plays a role in improving health and wellbeing. An increase in biodiversity and green infrastructure is good for people's mental wellbeing.

12. Health and Safety Implications

- 12.1 No direct implications.

13. Risk Management Implications

- 13.1 No direct implications.

14. Environmental and Sustainability Implications

- 14.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.
- 14.2 The Essex LNRS and BNG will contribute to all three sustainable development objectives, but particularly the environmental objective.

Appendices

None