

Meeting Executive
Portfolio Area Environment and Regeneration
Date 18 November 2020



BIODIVERSITY SUPPLEMENTARY PLANNING DOCUMENT: PUBLIC CONSULTATION

KEY DECISION

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1 PURPOSE

- 1.1 To provide Members with an overview of the draft Biodiversity SPD (Appendix A).
- 1.2 To seek Members' approval to carry out public consultation on the draft Biodiversity SPD.
- 1.3 To maximise the delivery of biodiversity from development in Stevenage and improve the health and wellbeing of the town and its residents, as well as providing habitat and mitigating climate change.

2 RECOMMENDATIONS

- 2.1 That the content of the Biodiversity SPD be noted.
- 2.2 That delegated powers be granted to the Assistant Director: Environment and Regeneration, following consultation with the Portfolio Holder for

Environment and Regeneration, to make minor amendments as are necessary in the final preparation of the draft SPD prior to its consultation.

- 2.3 That the Executive approve publishing the draft Biodiversity SPD for consultation from 30 November 2020 to 25 January 2021.

3 BACKGROUND

- 3.1 Supplementary Planning Documents (SPDs) are produced to add detail to the policies included in an adopted Local Plan. They are used to build upon and provide further guidance for development on specific sites or on particular issues. Whilst they are not part of the Development Plan¹ for an area, and cannot add unnecessarily to the financial burdens on development, the contents of a SPD are a material consideration when determining a planning application.
- 3.2 The Council does not have a Biodiversity SPD. The overarching aim of the SPD is to ensure that development in Stevenage results in a net gain for biodiversity. It requires developments to adopt the mitigation hierarchy and demonstrate that impacts to biodiversity have been avoided, where possible, and minimised before compensation is considered.
- 3.3 The Herts Growth Board (HGB) have been working hard on the area of biodiversity and sustainability and the Biodiversity SPD is in line with the HGB emerging climate change and sustainability policy. The Biodiversity SPD will help identify 'Habitat Banks' as places to deliver biodiversity offsetting as identified in section 4.3 of the emerging policy programme.
- 3.4 Biodiversity is also one of the 4 priorities that have been adopted by the Herts Climate Change and Sustainability Partnership.
- 3.5 The SPD provides steps for developers to follow to calculate the amount of biodiversity compensation that needs to be provided. This is calculated through the use of the DEFRA biodiversity metric which has been produced by Natural England in conjunction with Government and other stakeholders.
- 3.6 The metric will be required for proposed developments within the scope of the Town and Country Planning Act 1990, including buildings and structures for the following uses:
- Commercial;
 - Industrial;
 - Institutional;
 - Leisure; and
 - Housing or other accommodation.
- 3.7 The guidance in the Biodiversity SPD applies to all major and minor applications other than the following:
- Permitted development;

¹ The Development Plan for an area comprises the adopted Local Plan, the Waste Local Plan, the Minerals Local Plan and any adopted Neighbourhood Plans (of which there are none currently in Stevenage).

- Householder development, including extensions;
- Nationally significant infrastructure, which falls within the scope of the Planning Act 2008;
- Some brownfield sites with marginal viability and substantial constraints; and
- Developments that would not result in measurable loss or degradation of habitat e.g. change of use, or alteration to a building.

Policy Background

- 3.8 The purpose of the Biodiversity Supplementary Planning Document is to give more detail to the current Strategic Policy 12: Green Infrastructure and the Natural environment, in the Stevenage Borough Local Plan.
- 3.9 National Government have since released their 25 Year Environmental Plan (2018), the Draft Environment Bill (2018), NPPF (2019), Biodiversity Net Gain, Good Practice Principles for Development (2019) and Planning Practice Guidance, Natural Environment (2019). These all promote the status of biodiversity in developments and look to developments to deliver net gains.
- 3.10 The Draft Environment Bill (2018) indicates an intention, from Government, to set a legal requirement for biodiversity to achieve a 10% net gain through development. The purpose of this SPD is to ensure that the process to achieve this 10% net gain is clear to all.
- 3.11 Whilst the Council is able to ask for a higher level of net gain, for example 20% in the same way as Lichfield District Council has, we are unable to justify this due to urban nature of the Borough and also the lack of Areas of Outstanding Natural Beauty and/or Sites of Special Scientific Interest. This is something that we could look at again in the future.
- 3.12 The Biodiversity SPD can be amended, if necessary, to take into account the wording of the enacted Environment Act should it be enacted prior to the adoption of the SPD itself.
- 3.13 Another key consideration in the consideration of the SPD is the Council's declaration of a Climate Emergency Motion and the emerging Climate Change Strategy, Action Plan and Charter. Biodiversity is one of the key reducers of carbon emissions and is a key part of the fight against climate change.
- 3.14 The Council also has an adopted Biodiversity Action Plan and this highlights the opportunities for biodiversity improvement in the Borough.
- 3.15 The Council is also in the process of adopting an emerging Amenity Tree Management Policy as part of a suite of documents including:
- Emerging Parks and Green Space Strategy
 - Stevenage Biodiversity Action Plan
 - Emerging Climate Change Strategy
 - Stevenage Parking Strategy
- 3.16 The Biodiversity SPD complements these strategies and helps to manage the provision of biodiversity in Stevenage.

4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

Recommendation 2.1: That the content of the draft Biodiversity Supplementary Planning Document be noted.

4.1 The draft Biodiversity SPD is included in Appendix A. A broad overview of the key points from the draft version is presented below.

Assessing the impacts of development and biodiversity accounting

4.2 The NPPF and accompanying Planning Practice Guidance, the Council are required to achieve measurable net gains in biodiversity through development across the Borough. A development must deliver a minimum of 10% net gain post development when compared with the pre-development baseline.

4.3 The delivery of such sites should account for the location of the compensation receptor site in the local landscape. Meaning that compensation should be provided in the following order:

- Compensation inside the Borough boundary, or deemed to be sufficiently local to the site or biodiversity loss;
- Compensation outside the Borough boundary of impact site but within neighbouring Local Authority; and
- Compensation outside the Borough boundary and beyond neighbouring Local Authority.

4.4 Delivering biodiversity net gain is required for all proposed developments within the scope of the Town and Country Planning Act 1990 and includes:

- Commercial;
- Industrial,
- Institutional;
- Leisure; and
- Housing, or other accommodation.

4.5 The draft Biodiversity SPD applies to all major and minor applications other than the following exemptions suggested by the Government:

- Permitted development;
- Householder development, including extensions;
- Nationally significant infrastructure, which falls within the scope of the Planning Act 2008;
- Some brownfield sites² with marginal viability and substantial constraints; and
- Developments that would not result in measurable loss or degradation of habitat e.g. change of use or alterations to a building.

² Every habitat will generate a baseline biodiversity score. If it is a poor habitat it will generate a poor score e.g. brownfield, amenity grass or hard-standing, which will require offsetting but at a lesser scale. This actively provides a financial incentive to develop areas of poorer ecological value and avoid areas of higher value.

- 4.6 Applicants must demonstrate that they have followed the mitigation hierarchy; that impacts on biodiversity have been avoided, then minimised before any compensation is considered.
- 4.7 The delivery of biodiversity net gain involves the use of the biodiversity metric which is used to calculate the 'habitat units' of biodiversity gained or lost as a result of development on a site.
- 4.8 The biodiversity metric was designed by Natural England and supports the aims of the Governments 25 Year Environmental Plan for measurable net gain.
- 4.9 The metric evaluates impacts for a wide range of habitats, but does not override existing law or policy that protects nationally important sites or species.
- 4.10 The metric calculates the scale of a habitat impact or enhancement by multiplying the area (hectares), distinctiveness (habitat type) and condition (quality) of each habitat parcel.
- 4.11 There is a 'no down-trading' policy within the metric; habitat must be compensated on a like-for-like basis.

Information required

- 4.12 So that the impacts on biodiversity interests can be properly assessed using the biodiversity metric, applicants are required to submit the following to the Council:
- Ecological Report – clearly showing what is there, how it will be affected by the development, how the development is compatible with policy, how any negative impacts will be avoided, mitigated or compensated so that a measurable net gain to biodiversity can be demonstrated;
 - Identification of all habitat types present at the site – a short description of the habitat will be required for the Council to confirm the habitat type;
 - Area – survey material showing the location and area (ha) covered by each habitat type. This should be provided as a GIS layer to enable verification; and
 - A description of the condition of each habitat type – this should be assessed using the condition assessment criteria as outlined in the Natural England Biodiversity Metric Technical Supplement JP029.

Losses vs gains

- 4.13 How each of the habitats will be affected by the development proposals must be identified i.e. will they be lost, retained or enhanced. Any on-site mitigation or enhancements (gains) proposed must be accompanied by further information regarding the target habitat type, the condition to be achieved through management, the time period within which this target will be achieved, and a supporting management plan.

- 4.14 Results should be summarised in a table with an accompanying map with each habitat clearly marked on it (pre and post development) and referenced to the excel spreadsheet generated by the biodiversity metric.

Standards for offsets

- 4.15 If compensation is required, the Council will approve the site selection by considering:

- That the minimum ecological unit credit gain of 10% is achieved;
- Any like-for-like requirements have been met;
- That additionality can be demonstrated;
- That target habitats are appropriate;
- Sites within Stevenage Borough boundary; and
- Sites within 10km distance from the development.

- 4.16 In order to approve an offset, the Council will need to be satisfied that delivery will be assured, for example:

- A sufficient management period i.e. 30 years;
- Sufficient site survey information, biodiversity gain calculations;
- Sufficient funds have been allocated to deliver long-term management;
- A sufficient delivery mechanism is available
- Sufficient monitoring and reporting arrangements have been made; and
- That biodiversity net gain is secured for the lifetime of the impacts of the development.

- 4.17 How each of the habitats will be affected by the development proposals must be identified i.e. will they be lost, retained or enhanced. Any on-site mitigation or enhancements (gains) proposed must be accompanied by further information regarding the target habitat type, the condition to be achieved through management, the time period within which this target will be achieved, and a supporting management plan.

- 4.18 Results should be summarised in a table with an accompanying map with each habitat clearly marked on it (pre and post development) and referenced to the excel spreadsheet generated by the biodiversity metric.

Biodiversity Financial Contributions

- 4.19 If a developer wishes to not arrange their own biodiversity offset project(s), then the Council can offer a financial payment option – a Biodiversity Financial Contribution.

- 4.20 Under this model, developers pay a contribution under full cost recovery, for the Council to organise the required biodiversity accounting scheme within a set period of time (usually 5 years), monitor, take action and report formally on the progress.

- 4.21 The Biodiversity Financial Contribution is index-linked and is the sum of:

Biodiversity Accounting Payment + Contingency Payment + Management Payment

- 4.22 The Biodiversity Financial Contribution will be made payable to Stevenage Borough Council in accordance with the planning condition or legal agreement.
- 4.23 A clear audit trail will be required and the work should be detailed in a management plan noting that all completed work is monitored by the Herts Environmental Records Centre or similar independent auditor. This should all be costed in the management plan and cost calculator.
- 4.24 Payments should be drawn down on a yearly basis provided that the work achieves the targets set out in the management plan. This will follow the template that has been used for the recent Webb Rise application where biodiversity net gain has been provided.
- 4.25 Monies should be held in a ringfenced location with the funds split into the three components detailed below (para 4.27).
- 4.26 In cases where off-site provision is outside of Stevenage, the monies would be passed to Hertfordshire County Council to distribute for the net-gain scheme.
- 4.27 The monies will be distributed into three funds:
- Biodiversity Accounting Fund ~ used to arrange one or more providers to compensate for the loss associated with the development;
 - Contingency Fund ~ formed from the pooling of the individual contingency payments and will be used to secure additional biodiversity enhancements. These enhancements will compensate for Biodiversity Accounting Schemes that do not fulfil their ecological objectives; and
 - Management and Monitoring Fund ~ covers the costs of the Hertfordshire Environmental Records Centre associated with collecting data, managing databases and strategic mapping to be used to determine where best to locate.

Assessing and achieving measurable biodiversity gain on a development site

Stage 1: Check with LPA if a biodiversity metric assessment is required.

Stage 2: If required, engage an ecological consultant to undertake a biodiversity metric calculation on the site to give a baseline ecological unit score.

Stage 3: Identify all priority habitats and species to be avoided and buffered in accordance with local plan policy. Undertake species surveys, informed by environmental records search.

Stage 4: Design development within the parameters of existing habitats of value, minimum ecological unit requirement to achieve net gain, and species impact mitigation requirements. Use landscaping to maximise net gain potential, e.g. native trees, wildflower verges, SUDs. Ensure all habitats have appropriate management

regimes, funding and monitoring specified. All avoidance, mitigation or compensation measures must be definitively stated and marked on.

Stage 5: Ensure enhancement features for wildlife as required by local plan are specified and marked on plans, e.g. integrated bird and bat boxes, hedgehog highways.

Stage 6: If impact on priority habitat cannot be avoided or if net gain cannot be achieved onsite, seek a legitimately quantified biodiversity offset, engage a biodiversity offset broker to provide an offsetting agreement, or seek a biodiversity financial agreement with the LPA to provide an offset.

Stage 7: Submit planning application

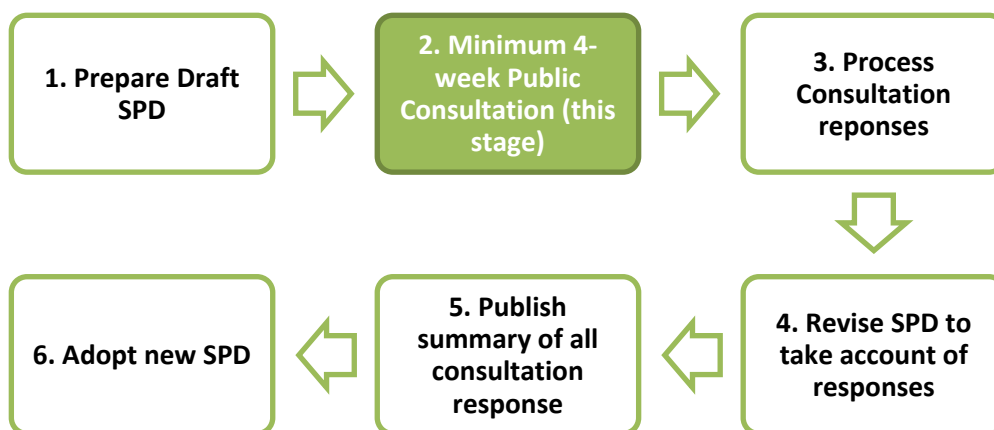
Stage 8: Permission granted, biodiversity offset or biodiversity financial agreement secured by 106 agreement

Recommendation 2.2: That delegated powers be granted to the Assistant Director: Environment and Regeneration, following consultation with the Portfolio Holder for Environment and regeneration, to make minor amendments as are necessary in the final preparation of the draft SPD prior to its consultation.

- 4.28 The draft Biodiversity SPD is appended to this report. However, it may be necessary to make minor changes prior to the consultation start date. This might include cosmetic adjustments, the correction of typographical errors and any minor factual changes.
- 4.29 It is recommended that any such amendments be approved via delegated powers.

Recommendation 2.3: That the Executive approve publishing the draft Biodiversity Supplementary Planning Document for consultation from 30 November 2020 to 25 January 2021.

- 4.30 The procedure to adopt a new SPD is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. Roughly, it is as follows:



4.31 The Council must first undertake a consultation for a minimum four week period, however this has been extended to eight weeks to allow for the Christmas period. Following this, the Council must consider the consultation responses, produce a document stating the main issues raised by respondents, and summarise how the issues have been addressed by the Council.

4.32 The timetable for consultation and adoptions is currently as follows:

Stage	Date
8-week public consultation	30 Nov 2020 – 25 Jan 2021
Consider and address responses	Winter/Spring 2021
Adopt SPD through Executive	March 2021

4.33 As with any consultation exercise, it is not known how many responses will be received so the post-consultation stages will not be known for definite until a later date.

5 IMPLICATIONS

Financial Implications

- 5.1 The costs associated with producing and consulting on the draft Biodiversity SPD will be met from the agreed departmental budget.
- 5.2 Any potential schemes that are mentioned in the SPD will need to be subject to a business case and/or will require third party funding.

Legal Implications

- 5.3 Consultation on the draft Biodiversity SPD will be undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 5.4 The outcomes of any consultation must be conscientiously taken into account in finalising the SPD to take responses into account prior to approval by the Executive.

Risk Implications

- 5.5 There are no significant risks associated with producing the draft Biodiversity SPD.

Policy Implications

- 5.6 The draft Biodiversity SPD accords with, and has been produced to supplement policies in, the adopted Stevenage Local Plan (2019).
- 5.7 The document is also aligned with other corporate Council documents such as the Healthy Stevenage Strategy, the recently-declared Climate Emergency Motion and the emerging Climate Change Strategy, Action Plan and Charter.

Planning Implications

- 5.8 The draft Biodiversity SPD will supplement the recently adopted Stevenage Local Plan (2019).
- 5.9 If adopted after consultation, the document will not form part of the Development Plan for Stevenage. However, it will be a material consideration for planning applications.

Climate Change Implications

- 5.10 The draft Biodiversity SPD has the potential to have a positive impact on climate change through the multiple benefits that prioritising the biodiversity net gain through development and minimising its loss on site.

Equalities and Diversity Implications

- 5.11 The draft Biodiversity SPD does not have any direct equality or diversity implications. When implementing any of the proposals the delivery body will

need to consider the potential impacts on different community groups, in particular those who are less mobile or disabled.

Community Safety Implications

- 5.12 Whilst the draft Biodiversity SPD does not have any direct community safety implications itself, when implementing any of the proposals the delivery body will need to consider the potential impacts on community safety.

BACKGROUND DOCUMENTS

- BD1 [Stevenage Borough Local Plan, 2011-2031](#)

APPENDICES

- A Draft Biodiversity Supplementary Planning Document