

Cherwell District Council

Executive

2 July 2018

Valuing the Natural Environment for People and Wildlife

Report of Assistant Director: Communities

This report is public

Purpose of report

In fulfilling its duty under the Natural Environment and Rural Communities (NERC) Act 2006 and comply with its obligations relating to important wildlife sites, habitats and species under European and national legislation as well as the National Planning Policy Framework (NPPF) Cherwell District Council has had a Biodiversity Action plan and received an annual progress report. This report seeks to update the policy framework for this area of work and promotes the move to a Community Nature Plan underlining the importance of partnership working with a range of statutory and voluntary partners.

1.0 Recommendation

The Executive is recommended:

- 1.1 To approve the proposed Community Nature Plan 2018-2020 (Appendix 1).
- 1.2 To approve the endorsement of the Wildlife Trusts' guidance "Homes for people and wildlife – How to build housing in a nature friendly way" (Appendix 2) for use as guidance in planning.
- 1.3 To approve the production of specific guidance on biodiversity accounting and the identification of projects for biodiversity offsetting in order to deliver net biodiversity gain.
- 1.4 To approve support for the proposed Environmental Investment Plan for Oxfordshire with advice and collaboration (Appendix 3).

2.0 Introduction

- 2.1 Delivery of a Corporate Biodiversity Action Plan (BAP) has been a specific objective in the Council's Business Plan for many years. The Corporate BAP demonstrates how the Council will fulfil its duty under the Natural Environment and Rural Communities (NERC) Act 2006 and comply with its obligations relating to important

wildlife sites, habitats and species under European and national legislation as well as the National Planning Policy Framework (NPPF). As there is a wealth of evidence that the natural environment, its wildlife and green spaces are crucial to community health and wellbeing as well as a thriving economy, the Corporate BAP has been refreshed and updated as a Community Nature Plan (CNP) (see Appendix 1).

- 2.2 Protecting and improving the natural environment, as well as good quality connected green spaces, are essential elements of sustainable development. New guidelines published by the Wildlife Trusts, “Homes for people and wildlife”, demonstrate how new housing developments, built in the right way and in the right place, can make a positive contribution to the natural environment and to the health and wellbeing of people who live there. The National Planning Policy Framework requires planning policies and decisions to provide net gains for biodiversity where possible; and the adopted Cherwell Local Plan Policy ESD10 seeks a net gain in biodiversity from development proposals and also states ‘development proposals will be expected to incorporate features to encourage biodiversity and retain and where possible enhance existing features of nature conservation value within the site.’ The document, “Homes for people and wildlife’, provides useful guidance on how to incorporate biodiversity within developments and therefore would support the delivery of the Council’s existing planning policies.
- 2.3 Ecological reports are required to demonstrate that development proposals will deliver a net gain in biodiversity. The Council’s adopted Developer Contributions Supplementary Planning Document (SPD) provides additional guidance on how biodiversity impact should be assessed. The Council’s approach is to seek on-site gains to mitigate the impact of development but, where on-site mitigation and compensation cannot achieve biodiversity net gain, to secure contributions towards schemes that closely offset the impact of the development and meet the planning aims of the Council’s Community Nature Plan. At present this approach is challenging as there is not an identified range of local opportunities for offsetting or guidance that sets out how offsetting should be achieved. To ensure a more consistent and rigorous process, guidance on biodiversity enhancement and offsetting and the identification of specific schemes is required and will assist in speeding up the planning process.
- 2.4 Natural Capital Investment Plans are being produced by a number of local authorities and nature partnerships. These plans recognise that economic benefits flow from the natural world and extend the use of biodiversity net gain approaches to wider natural capital benefits such as fresh air, clean water and community health and wellbeing. Initial funding has been secured for an Environmental Investment Plan for Oxfordshire, to be undertaken by the Thames Valley Environmental Records Centre (TVERC). A broad group of stakeholders has been asked to raise awareness of the proposal and to support funding bids for the plan including all the Oxfordshire District Authorities. This work would help to identify the wider values of land in terms of its natural capital benefits and help inform future decisions and the mitigation that could be required if land use changes.

3.0 Community Nature Plan

3.1 The purpose of the Community Nature Plan is to demonstrate –

- The importance of the natural environment, specifically its green spaces and wildlife, to community health and wellbeing and a thriving economy.
- How the Council complies with its obligations relating to important wildlife sites, habitats and species under European and national legislation as well as the National Planning Policy Framework (NPPF)
- How the Council will fulfil its duty under the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of this Act states that - “Every public body must, in exercising its functions, have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”

3.2 The Community Nature Plan recognises the value of the natural environment for the health and wellbeing of both people and the economy. Green space has a key role to play in the drive to increase levels of physical activity and there is a wealth of evidence that time spent in natural environments promotes a positive outlook on life and enhances our ability to cope with, and recover from, stress, illness and injury. Recent work carried out in Bicester - ‘The value of green space in Bicester to local people’ - presents strong qualitative evidence, gathered by the University of Oxford, that Bicester’s green spaces provide benefits for health, wellbeing and community cohesion - www.cherwell.gov.uk/communitynatureplan. The results have been used to draw up a list of options for improving the provision of green space in the town (Appendix 4).

3.3 The delivery of the Community Nature Plan will rely heavily on partnership work with town and parish councils, local groups and a number of key organisations. The Council supports six organisations with annual funding in accordance with service level agreements. These are Warriner School Farm, the Berks, Bucks and Oxon Wildlife Trust (BBOWT), Thames Valley Environmental Records Centre, Wild Oxfordshire, Oxfordshire Playing Fields Association and the Royal Society for the Protection of Birds. The Community Nature Plan (Appendix 1, page 11) provides more detail about the services that these organisations deliver and progress reports can be found on the website www.cherwell.gov.uk/communitynatureplan

3.4 The Community Nature Plan includes key objectives relating to the recommendations in this report as well as aims, actions and targets relating to Council services, most importantly Planning Policy, Development Management, Communities and Landscape. For example:

- Include more detailed Development Management policies relating to the natural environment in Local Plan Part 2 and relevant Supplementary Planning Documents
- Support BBOWT with ‘healthy for wildlife, healthy for people’ events and projects across the District
- Promote funding opportunities for local wildlife and access projects and provide support for community project development
- Support primary school/youth group nature visits to Warriner School Farm as well as outreach work in Banbury Brighter Futures Wards
- Work in partnership to deliver biodiversity improvements on Council owned and managed land, for example, with the development of the Cherwell Country Park and Burnehyll Community Woodland

- Extend the green infrastructure work with Oxford University - 'Tools for Planning and Evaluating Urban Green Infrastructure: Bicester and Beyond'

3.5 The Community Nature Plan summarises the Council's commitment to protecting and enhancing the natural environment for wildlife and people within the Cherwell District as follows:

- A Community Nature Plan will be produced every two years to set out and monitor the Council's compliance with the NERC Act Duty and other legislative and policy requirements; to demonstrate the multiple benefits of the natural environment; and to ensure delivery of projects that are healthy for wildlife and people
- TVERC, Wild Oxfordshire, BBOWT, RSPB, Warriner School Farm and OPFA are key partners in the delivery of the Community Nature Plan. Partnerships will be maintained in accordance with Service Level Agreements
- The Council's key policies relating to green spaces, biodiversity and the natural environment will be included in the Local Plan and related documents
- The Council will accord with the Wildlife Trusts' guidance 'Homes for People and Wildlife'
- Additional resources will be secured to provide the specific guidance that is required on biodiversity accounting and offsetting
- The Council will participate in partnership working with the Oxfordshire natural environment sector and relevant projects will be supported

4.0 Wildlife Trusts' Guidance – Homes for People and Wildlife

- 4.1 The Wildlife Trusts have set out that the natural environment must be placed at the heart of planning in order to give the government a chance of meeting its commitment to be the first generation to leave the environment in a better state than we found it, and to build new homes and communities that people enjoy living in.
- 4.2 The Berks, Bucks and Oxon Wildlife Trust (BBOWT) is the local Wildlife Trust covering the Cherwell District area and it was very involved in producing the guidance. BBOWT has provided a letter of support relating to the proposal to endorse The Wildlife Trusts' guidance document (Appendix 5).
- 4.3 This report recommends endorsement of the Wildlife Trust's document as it contains useful guidance to supplement the Council's existing planning policy approach contained in the adopted Cherwell Local Plan 2011-2031 (Part 1). It is proposed that Cherwell District Council agrees to use this guidance as a useful elaboration of existing policy and its practical application to development sites.
- 4.4 The guidance states that a good nature-rich housing development provides:
- Connectivity between wild places – enabling both wildlife and people to move through the landscape, and for natural processes to operate effectively.
 - Real, measurable gains for wildlife, as all new developments make a demonstrable, positive contribution to nature's recovery
 - Improved health, wellbeing and quality of life for people living and working nearby

- Easy access to high quality, wildlife-rich, natural green space for everyone, providing daily opportunities to experience wildlife
- Effective water management, pollution and climate control provided by green spaces and water courses, sustainable urban drainage, green roofs, trees, woodlands, wetlands and other natural features.

4.5 Housing developments designed with environmental sensitivity and green infrastructure at their heart can deliver multiple social, environmental and economic benefits for everyone – from developers to home-owners (see page 8 & 9 of Appendix 2).

4.6 Guidance principles state that all housing developments must result in:

- Measurable improvement for wild species and habitats through avoiding any loss or damage of wildlife sites; designing in existing habitats; creating new habitat; and more than compensating for any habitat that is lost (net gain).
- All residents having lasting access to nearby nature, which mean providing wildlife on the doorstep; ensuring our natural spaces are well managed; empowering communities; and engaging civil society

4.7 The guidance states that these principles can be ensured by:

- ***“Creating ecological network maps*** – such maps should be built from local, up to date, data with the active involvement of civil society. They should be the basis for deciding where new housing is (and isn't) located, and how close it is to existing natural areas and wildlife habitats.
- ***Developing within environmental limits*** – decisions about the planning, design and construction of new housing must be based on a thorough understanding of the natural environment's capacity to meet the demands placed on it.
- ***Using ecological expertise*** – we would not try to run a health service without trained doctors and nurses, and we can't expect to sustainably manage our use of land, or build new developments, without trained ecologists and access to high quality environmental data.”

4.8 The Council complies with many aspects of these principles but more could be done with additional approaches and resources:

- ***“Creating ecological network maps”(Wildlife Trusts' guidance)*** – The Thames Valley Environmental Records Centre (TVERC) and Wild Oxfordshire are key partners who supply high quality, up to date habitat, species and site data as well as manage the Conservation Target Areas (CTAs) Project. This information is used as an evidence base for the Local Plan process and for the ecological assessment of planning applications. CTAs represent the areas of greatest opportunity for biodiversity improvement in the District and so are relevant to establishing strategic ecological networks. Both TVERC and Wild Oxfordshire engage with civil society through their support and training of volunteer recorders and organisation of citizen science projects. TVERC has also mapped habitat connectivity in more detail across the District which the Council is funding as part of its 2018/19 service level agreement. This additional information can be used to target conservation action and influence planning decisions to improve habitat connectivity.

- **“Developing within environmental limits”(Wildlife Trusts’ guidance)** – Those who live, work, visit or conduct business in the District draw multiple benefits and value from the natural environment. The impact of development on the environment is taken into account in planning policy making and development management decisions including through the use of Strategic Environmental Assessment and Environmental Impact Assessment. However, it is important to recognise natural capital value through more use of tools and techniques which quantify this value. A naturally richer District needs investment to secure the continued provision of these benefits. The proposed Environmental Investment Plan for the County (Section 6 below) will inform a greater understanding of the District’s natural capital and strategic investment opportunities.
- **“Using ecological expertise”(Wildlife Trusts’ guidance)** – The Council has access to high quality data and ecological expertise. However, the District is experiencing a high level of major planning proposals stretching existing resources and so additional capacity is required by the Council to provide the specific guidance that is required on biodiversity accounting and offsetting.

5.0 Biodiversity Accounting and Offsetting

- 5.1 Biodiversity is an important consideration in the planning process and must be integrated from an early stage into the design of any development. Development can have negative impacts on biodiversity (net loss) which can be significant and lead to the decline of important habitats and species in the District. Development can also have positive impacts for biodiversity (net gain), especially for sites where there is little wildlife, by integrating new habitats into buildings and adjacent spaces.
- 5.2 The National Planning Policy Framework requires policies and decisions to provide net gains for biodiversity, and Cherwell Local Plan Policy ESD 10 (protection and enhancement of biodiversity and the natural environment) specifically supports securing net biodiversity gain on development sites. The adopted Developer Contributions Supplementary Planning Document (SPD) provides additional guidance on how policy ESD10 should be applied, and how biodiversity impact should be assessed. Planning applications are required to be accompanied by relevant habitat and species surveys and reports to measure the biodiversity impact following the locally adopted Defra Offsetting Metrics, and identify opportunities to deliver biodiversity enhancements.
- 5.3 Net biodiversity gain on development sites must always be the primary objective but when this cannot be achieved, offsite projects are required to enable the creation, enhancement and restoration of habitats which are impacted onsite. The Council’s Developer Contributions SPD states “Where on-site mitigation or compensation cannot be achieved contributions may be sought towards a scheme that closely offsets the impact of the development, and which also meets the aims of the Council’s BAP”. A small number of biodiversity improvement projects are identified in the Council’s Infrastructure Delivery Plan (IDP) and many of these relate to Conservation Target Areas which provide the greatest opportunities for biodiversity enhancement. However, the production of additional guidance and the identification of specific schemes on a more comprehensive basis would be beneficial in providing clarity for developers on how contributions would be used and ensuring that net biodiversity gain is achieved and targeted in the most effective way. The

guidance should also speed up the planning process by making sure developers are aware of the requirements and can ensure their submissions provide the information needed.

- 5.4 The development of guidance relating to biodiversity net gain, impact assessment and offsetting and the production of a portfolio of potential offsite projects will require additional approaches and increased ecological advisory resources. The employment of these approaches and resources is currently being investigated.

6.0 Environmental Investment Plan for Oxfordshire

- 6.1 The District is experiencing a high level of major planning proposals and County growth. This is likely to continue and that there will be challenges to ensure that future growth is sustainable and planned in a way that positively responds to the environment. An Environmental Investment Plan (EIP) will provide some answers to these questions and will help to ensure that changes in natural capital are measured and valued in corporate and national accounts and reflected in decision making processes (see Appendix 3 for the outline report).
- 6.2 The proposed EIP for the County will inform a better understanding of strategic natural capital and investment opportunities. The Thames Valley Environmental Records Centre (TVERC) and Trust for Oxfordshire's Environment (TOE) are now working in partnership to take this project forward. TVERC has the data and analytical skills required to deliver the project. TOE has expertise in funding and stakeholder relations. Both organisations share a wealth of invaluable local knowledge.
- 6.3 Initial funding for the EIP has been provided by Oxfordshire County Council to scope the project and start engaging stakeholders. The proposal was considered by the Executive Officers Group of the Oxfordshire Growth Board in May 2018. As a result, the EIP's value as an evidence base for the preparation of the Oxfordshire Joint Statutory Spatial Plan (JSSP) that has commenced following the agreement of the Oxfordshire Growth Deal. The JSSP will set out the strategic framework for the growth of the County up to 2050 and a comprehensive environmental evidence base is fundamental to ensuring a sustainable approach is taken through the development of the JSSP, senior Officers will be involved in the development of the EIP in an advisory and collaborative capacity.

7.0 Conclusion and Reasons for Recommendations

- 7.1 'Valuing the Natural Environment for People and Wildlife' is a crucial element of important development and economic decisions. Failure to recognise and assess the multiple benefits of the natural environment will affect community health and wellbeing, important habitats and species and future economic growth. This report seeks approval for recommendations which support plans and guidance that will enable the Council to invest wisely in the District's natural environment and ensure that it remains healthy for people and wildlife.

8.0 Consultation

- 8.1 Adrian Colwell, Executive Director for Place and Growth
Nicola Riley, Assistant Director: Communities
David Peckford, Deputy Manager, Planning Policy and Growth, Growth Strategy team
Jenny Barker, Bicester Delivery Manager, Eco Bicester Team
Paul Almond, Manager, Street Scene and Landscape Team
Paul Seckington, Senior Manager, Development Management, Development Control Team

9.0 Alternative Options and Reasons for Rejection

- 9.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To reject the Community Nature Plan 2018-20 and the recommendations in the report. This is not proposed as, without the Plan, the Council would not be able to clearly demonstrate that it is meeting its NERC Act biodiversity duty and complying with its obligations relating to important wildlife sites, habitats and species under European and national legislation as well as the National Planning Policy Framework (NPPF).

Option 2: To amend the Community Nature Plan 2018-20 and the recommendations in the report

10.0 Implications

Financial and Resource Implications

- 10.1 Delivery of the Community Nature Plan in 2018-19 is contained within approved revenue estimates. Continuing delivery in 2019-20 will be subject to the approved revenue estimates for that year.
- 10.2 Delivery of the work required to produce guidance on the delivery of net biodiversity gain is contained within approved revenue estimates.

Comments checked by
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Legal Implications

- 10.3 The Council has a duty under Part 3 of the Natural Environment and Rural Communities Act 2006 when exercising its functions, so far as is consistent with the proper exercise of its functions, to conserving biodiversity. A Community Nature Plan should enable the Council to demonstrate that these requirements are being met. Failure to do so will leave the Council open to challenge.

Comments checked by:

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11.0 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

All wards

Links to Corporate Plan and Policy Framework

The **Council's Joint Business Plan 2018/19** includes the performance measure 'Reduce our Carbon Footprint and Protect the Natural Environment'; and the Communities Business Plan 2018/19 includes the objective 'Develop a Natural Environment and Communities Plan with a focus on wellbeing'

The **adopted Cherwell Local Plan (2011-2031) (Part 1)** includes policies specifically relating to Protecting and Enhancing Biodiversity and the Natural Environment (ESD 10), Conservation Target Areas (ESD 11) and Green Infrastructure (ESD 18)

Lead Councillor

Councillor Andrew McHugh, Lead Councillor for Health and Wellbeing

12.0 Document Information

Appendix No	Title
Appendix 1	Community Nature Plan 2018-2020
Appendix 2	The Wildlife Trusts' guidance "Homes for people and wildlife – How to build housing in a nature friendly way"
Appendix 3	Environmental Investment Plan for Oxfordshire (TVERC, funded by OCC, February 2018)
Appendix 4	'The value of green space in Bicester to local people', Environmental Change Institute, Oxford University
Appendix 5	BBOWT letter of support
Background Papers	
None	
Reference Documents	
<ol style="list-style-type: none"> 1) Guide to Biodiversity 2020 2) Natural Environment White Paper and Local Authorities 	

- 3) State of Nature in Oxfordshire – highlights report
- 4) BBOWT's 'Strategic Plan 2016-2021: Be part of nature's recovery'
- 5) Wildlife Trusts' Towards A Wilder Britain: Creating A Nature Recovery Network
- 6) Biodiversity and Planning in Oxfordshire 2014
- 7) Conservation Target Areas -
<https://www.wildoxfordshire.org.uk/biodiversity/conservation-target-areas/>
- 8) 2017 Partners Reports
- 9) 2017 Cherwell Swifts Conservation Project Report

Appendices and Background Papers are available as downloads at
www.cherwell.gov.uk/communitynatureplan

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